

THE
EDUCATIONAL
OCTOPUS



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GLEASON L. ARCHER

The Educational Octopus

A Fearless Portrayal of Men and Events in the
Old Bay State, 1906-1915

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"Ethical Obligations of the Lawyer," "Law Office
and Court Procedure."

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THE EDUCATIONAL OCTOPUS

To My Wife

ELIZABETH GLENN ARCHER

Whose loyal co-operation and tender sympathy have made
possible the successful termination of the long
struggle depicted in this volume.

FOREWORD.

In this volume will be found the humble and the great, in the engrossing drama of life—sketched from life itself. Herein is unfolded the pitiful beginning and the painful progress of an institution, too humble at first to attract the watchful eye of the Great Octopus; and too mighty in the final conflict to be strangled or kept down. And unfolding, the sketch reveals, and names, men great in public affairs of Massachusetts, as the public never sees them, at the business of legislation under the great dome on Beacon Hill.

The Great Octopus is there with its crimson tentacles reaching from Committee Room to Committee Room, from the halls of legislation to the Governor's office, playing its pawns in the great game of legislation.

And the searchlight plays not only upon the heights of Beacon Hill; but over the State itself and discloses who controls our public schools, and why; who controls our State Boards and all things educational in Massachusetts, to the furtherance of class distinctions that even now threaten the life of the Republic.

Gleason L. Archer

45 Mt. Vernon St.,
Boston, Mass.
Dec. 1, 1915.

TABLE OF CONTENTS

Chapter

- I. The Proximate Cause.
- II. A Momentous Decision.
- III. Enrolling My First Students.
- IV. My First Law Lecture.
- V. Tribulations.
- VI. A Barrier Cleared.
- VII. Preparation for Bar Examinations.
- VIII. The Last Barrier.
- IX. I Prepare to Found the School.
- X. The Humble Beginning.
- XI. The School's First Year.
- XII. A Conference with My Students.
- XIII. A Crisis in the School.
- XIV. The Fateful Summer of 1907.
- XV. A Student Mutiny.
- XVI. School Finances, Real and Apparent.
- XVII. The School Wins Friends and Free Advertising.
- XVIII. Assailed by Suffragettes.
- XIX. The First Lawyer from Our School.
- XX. The Good Samaritan.
- XXI. A Great Boom for the School.
- XXII. My First Law Writing and the Traveler Contest.
- XXIII. Hostility of Boston University.
- XXIV. Removal to Tremont Temple.
- XXV. Y. M. C. A. Ethics.
- XXVI. My First Law Book.
- XXVII. A Year of Tribulations.
- XXVIII. A Student Revolt.
- XXIX. My Second Law Book.

TABLE OF CONTENTS

Chapter

- XXX. Low Water Mark.
- XXXI. The Resurrection of Hope.
- XXXII. An Attempted Consolidation.
- XXXIII. The Winter of 1911.
- XXXIV. A New Lease of Life.
- XXXV. The School Votes to Petition the Legislature.
- XXXVI. Strengthening the Line-up.
- XXXVII. Enter Joe Parks.
- XXXVIII. The Legislative Contest Opens.
- XXXIX. The Octopus Shows Its Head.
- XL. Victory in Committee.
- XLI. The First Great Debate in the House.
- XLII. Lively Lobbying.
- XLIII. A Double Shuffle.
- XLIV. Victory in the Senate.
- XLV. The Bill Goes to Governor Foss.
- XLVI. Veto and Defeat.
- XLVII. Preparing for the Second Legislative Contest.
- XLVIII. The Bar Association Investigation.
- XLIX. The Board of Education's "Investigation."
- L. Before the Committee on Education, 1913.
- LI. The Bill Passes the Legislature.
- LII. The "Pleasant Easter" Episode.
- LIII. "Pitiless Publicity."
- LIV. A Jolt for the Joker.
- LV. The Governor at Bay.
- LVI. Exit Governor Foss.
- LVII. The Great Victory.
- LVIII. Massachusetts and Its Master.

CHAPTER I.

The Proximate Cause.

The writing of this chronicle of a school for the training of the sons of the working man, and how it encountered the Educational Octopus that controls all things educational in Massachusetts, has rendered necessary the projection of the personality of the author to a greater degree than would be called forth by the ordinary history. As in the case of the historian of ancient days, I am describing events "all of which I saw and a part of which I was," for as founder and Dean of the school the brunt of things necessarily devolved upon me.

Could all the intimate history of the Suffolk Law School from its very inception to the present moment, its humble beginning, its long and labored struggle upward in the face of powerful opposition, and its final triumph, be fairly set forth that all may read, the narrative would prove to be one of surpassing interest. Ten years is a short time in the eyes of men when it is looked back upon, and perhaps altogether too brief to allow a proper appraisement of all the varying incidents that go to make up that interval of history.

There is no fact of life more apparent to man than the wonderful way in which a trifling incident of every day life sometimes marks the turning point of one's whole existence. Yet at the time it occurred it was merely a trifling incident of no more apparent im-

THE EDUCATIONAL OCTOPUS

portance than any other that preceded or succeeded it, and had we not taken advantage of the opportunity thus afforded we doubtless would never have realized that it possessed the slightest significance to our lives. But looking back through the vista of time, its true significance stands revealed and we know the happening to have been the point of departure from the direction in which our lives had hitherto been moving.

For this reason, perhaps, the incident, trifling though it may seem, that brought about the eventual founding of the Suffolk Law School stands forth in my memory as one of the most vivid of my life. Should I live ever so long I can never forget that scene in Room 826 of the Old South Building, Boston.

It occurred sometime in the early part of October in the year 1905. I was then beginning my second year at Boston University Law School, but hoping to graduate a year ahead of my class (which, by the way, I accomplished), I was taking the subjects of Real Property, Equity, Bills and Notes, Corporations, Evidence, Wills, Pleading and Practice, not to mention a few other subjects, and, naturally, I expected to be busy both day and evening.

It will be granted, therefore, by anyone who has studied the difficult subjects that I have enumerated, that, to use the language of the street, I was "some busy."

On this particular afternoon in the Autumn of 1905 I was seated at a roll top desk by the window in Room 826 of the Old South Building studying my lecture notes, (I used to study there quite a bit while keeping the office open), when Hugh A. Quinn of Woburn,

THE PROXIMATE CAUSE

the owner of the aforesaid roll top desk, entered the office.

He was and is a young man of keen intellect, and we had often conversed on various legal topics. Whenever anything came under his observation that involved a point of law, he usually asked me about it, and, like all law students, I was glad indeed to air—I was about to say, my knowledge, but will substitute the word “understanding” of the law that governed it.

On this afternoon, we got into a discussion of the law of “Contracts,” and it may be that my explanation seemed to him particularly lucid, for as a result of it he said to me:

“Mr. Archer, I wish I could study law. I’ve always had a hankering for law. Why can’t you teach me? I’d be glad to pay you for it, and I know a young fellow that I think would like to study with me.”

To say that I was amazed at the proposition was to put it mildly. It seemed that I had already more work before me than I could ever hope to accomplish during the school year. So I tried to evade the issue by suggesting that he go to the Y. M. C. A. Law School if he couldn’t get time for study during the day.

“No,” he replied, “I have investigated that and I know that I can’t stand the strain, for I am working too hard. One or two evenings a week would be all that I could stand.”

I pondered over it. I explained to him the great amount of work that I was undertaking—and I **turned him down.**

But, it may be objected: “How can this be the inception of the Suffolk Law School?” It was, nevertheless. Although I did not grasp opportunity by the forelock when it met me, yet I did catch it by the fetlock before it got away.

CHAPTER II.

A Momentous Decision.

It was my custom while a student in Boston to study very diligently, taking little of the relaxation or recreation that most young men think, and perhaps rightly, to be necessary to their physical well being. I never frequented places of amusement nor even gymnasiums, and my chief and practically my only recreation was in walking for brief periods whenever my eyes or brain imperatively demanded rest.

My walking was almost invariably through the Common or Public Gardens, occasionally down the central park of Commonwealth Avenue, but a favorite course was down Beacon Street to a point opposite the Public Gardens and thence to the Charles River bank, then quite different from its present magnificent promenade.

On the evening after my interview with Mr. Quinn, I returned to my room on Beacon Hill, but either supper or mental weariness, or both combined, prevented me from pursuing my studies with any degree of satisfaction. I could not clearly see when a "fixture" was a part of the real estate or when it was not, and in order to remedy this mental astigmatism, I gave over studying for a time and set out for a walk.

I roomed on Myrtle Street at the time and, if I remember correctly, I walked up Joy Street and turned

A MOMENTOUS DECISION.

down Mount Vernon because of a beautiful sunset glow in the West that appeared to special advantage through the vista of trees of that beautiful street. Quite unconscious of the destiny that should link me with the place, I passed 45 Mount Vernon Street, the present home of the Suffolk Law School.

If some fairy could have bid me pause and behold the place and whispered in my ear something that the future would unfold, I should have regarded the building with wonder and delight, but as it was, I looked upon it merely as one of many of the homes of the "highbrows," cold and forbidding.

What had I, a poor student without a dollar to my name, to do with one of the finest old buildings in the exclusive section of residential Boston? So I passed on to Louisburg Square and finally turned through some of the winding cross streets until I gained Beacon Street.

I strolled for some time in the brisk evening air. I have no clear recollection of when my thoughts first turned to the incident of the afternoon, but turn to it they did, and before I had retraced my way to my lodgings I was so completely dominated by the thought of teaching law that, absurd as I told myself it was, I could not refrain from mentioning it to my brother, Hiram J. Archer, who roomed with me.

My brother was also studying law, but not at that time in law school. He had recently undergone a long tubercular illness that had so completely shattered his health that even to this day he is not a well man. But he was rooming with me and studying law, in fact, he may be termed my first pupil, for it was largely from my lecture notes and my occasional assistance that he

THE EDUCATIONAL OCTOPUS

so far mastered the law that he passed the Massachusetts bar examination six months after I did.

He was older than I, and I had great respect for his judgment. I wonder even now what would have been the fate of the Suffolk Law School if he had discouraged my project while I was yet uncertain as to the course I should pursue. He understood as well as I did the great amount of work I had mapped out for the year, but he caught the idea instantly and approved of it most heartily.

By this time I had evolved the plan of trying to induce other young men to come into the class and thus make it more feasible from every point of view. It afterward transpired that had I not secured others, my class would have ended abruptly within a few weeks of its formation, but a kindly Providence seems to have directed my every move.

I remembered a young man of my acquaintance who had remarked in my hearing some months before that he wished he could study law. He worked in Boston and the plan might appeal to him. At any rate it would do no harm to try.

In casting about for others who might be interested in the plan, I bethought me of a second cousin of mine, Carl Collar, an ambitious young man whom I had tried to persuade to go to Boston University College of Liberal Arts the year before, but who had secured a responsible position with a steamship company in Boston and had given up the idea of college. Knowing him as I did, I had confidence that the plan would appeal to him, and I resolved to see him the next day.

Ponder as we did upon it, my brother and I could not recall any other men who were likely prospects.

A MOMENTOUS DECISION.

No way of securing other men remained except resorting to outright advertising, which I finally decided to do.

I did very little studying the balance of the evening and spent a wakeful night as I always do when any immature plan is on my mind. It may be a common experience of men who do much thinking or planning, but with me until a problem is thoroughly worked out, I can never count upon a night's sleep. However weary I may be when I go to bed and however soundly I may sleep at first, I am sure to awaken in the "wee small" hours and lie awake until the problem is settled or until morning comes.

But settling the problem does not finish my midnight cogitations, for I always find myself revolving the plan again and picking flaws in it, and looking at it from all angles until I have settled the problem in a different way. More often than not the second solution is no more durable than the first. Many of the most successful features of the work in the Suffolk Law School and some of the wisest plans I have ever devised have not been the first solution but perhaps the sixth solution in a given night.

For that reason I have always welcomed such periods of insomnia for the fruits they have borne, and it is quite safe to say that no important plan that I have carried out in the last ten years has been entered upon without the tireless midnight scrutiny as outlined above.

It is true that I had not the remotest idea at the time that the most profound consequences were to flow from that night's work, but I nevertheless involuntarily devoted a large portion of the night to viewing and

THE EDUCATIONAL OCTOPUS

reviewing the plan, a little conscience-stricken perhaps at the occasional sleepy admonitions of my brother to "lie still and not keep a fellow awake all night."

But when I arose the next morning it was with a fixed determination to go forward with the plan, whatever the hazard, and however it might add to my burdens.

ENROLLING MY FIRST STUDENTS

CHAPTER III.

Enrolling My First Students.

It has ever been one of my characteristics to act without delay in putting into operation any plan upon which I have resolved, and my action in this matter was no exception to the rule. Early that very forenoon I called upon Percival FitzGerald at the store in which he worked and informed him that I was about to start a private class in law.

He was the young man to whom I have referred as having once in my hearing voiced a desire to study law. We discussed terms and evenings when the class would convene. Before I left he agreed to come into the class.

This result was very cheering to me and I lost no time in going to the steamship office on State Street, where Carl Collar was employed. My enthusiasm prevailed with him also and I hastened to hunt up Mr. Quinn and acquaint him with my change of mind.

He manifested considerable pleasure and promised to bring his friend to see me within a few days. The date for the first meeting of the class was fixed upon. When I attended my regular lectures at the law school that day it was with an entirely new interest in the methods of teaching of the different professors under whom I was studying.

The problem of securing other students was the matter to which attention should next be directed and, after lectures that day, I drafted an advertisement announcing the formation of a class in "practical law" for young business men, which read as follows:

THE EDUCATIONAL OCTOPUS

Beginning Oct. 17, class in practical law for young business men. Tuesday and Wednesday evenings. One hour each. "B 392," The Post.

I received one or two inquiries within the next few days and each inquiry I answered in person.

I well remember a trip to Union Park Street to follow up one of them. The man in question was a house painter and decorator, a thrifty Norwegian named Ole M. Dahl. I waited in his shop for half an hour or so, before he came in and I studied him with interest as he finally returned in his working garb. He had ruddy cheeks and a good natured face, altogether prepossessing except that his English was very faulty.

"Can you learn me anything?" he finally demanded anxiously. "Ain't I too old?"

I assured him that I knew many students in the law school who were older than he and that I believed I could "learn" him something. As I remember it, before I left him he agreed to attend and filled out one of the absurd little application blanks that I had just had printed, the first person outside of my acquaintance to become a member of the class..

I decided to take up "Contracts" as the first subject, but there was a rule of the law school against using lecture notes, except personally, without the consent of the professor in whose course the notes were taken. I promptly waited upon the late Professor George E. Gardner, one of the wisest and ablest teachers under whom I had the good fortune to sit as a student, and easily obtained his permission to use the notes I had taken in his course in Contracts the previous year.

I was now ready for the opening lecture and within ten days from the inception of the idea I had made my bow as a teacher of law.

MY FIRST LAW LECTURE

CHAPTER IV.

My First Law Lecture.

Although I had announced the opening as October 17th, yet, at the request of several of the men who were to attend, I changed the date to Thursday evening the 19th, and so altered my plans that the work should be given on one evening a week in a two-hour session instead of two sessions of an hour each on different evenings.

When opening night came I arranged to have the use of Room 744 instead of Room 826, because of the greater seating capacity of the former. There were eight men present, one of them a visitor, who had no intention of studying law, but who roomed in the house that I did and came because of his interest in me.

The seven men who had enrolled for the course were Carl Collar, Ole M. Dahl, Percival FitzGerald, Harry Golden, Benjamin W. Manning, Hugh A. Quinn and Thomas L. Talty.

I have never confronted a Freshman Class with more trepidation than I did that first little assembly of men. Oratory has never been one of my gifts, nor do I deem it an essential quality in a teacher of law. Multiplicity of words oftentimes seriously interferes with a clear presentation of a legal principle. It has ever been my policy to plunge directly into a topic

THE EDUCATIONAL OCTOPUS

without elaborate preamble, and on this first occasion I am sure that I wasted no time in introducing the men to the law of contracts. My enthusiasm for the subject (in which I had won a Magna Cum Laude record the year before) soon made me forget my stage fright.

Before the evening was over I was handling the lecture with real pleasure and feeling that at last in my teaching experience I had found my proper sphere. But I realized that it was only an experiment, and I wasted no thoughts on where it might lead me in the future, my whole attention being absorbed in rendering clear and vivid the principles that I had determined as work to be covered for that evening.

The two hours passed swiftly and the men crowded around me after the lecture, to express their gratification in the work of the evening or to pay their tuition or to ask me again for some word they had missed in the dictation.

When they had all left me, I closed up the office and strolled to my lodgings, weary indeed, but glowing with satisfaction at the obvious success of the evening. I little realized then that not for three years would I derive a similar amount of satisfaction from the opening evening of a law course; nor even that there were to be other opening evenings, and strenuous days to come.

But I had made my bow as a teacher of law and definitely began the teaching experiments that finally led me to found the Suffolk Law School. I was then within ten days of my twenty-fifth birthday.

The first lecture had furnished me with information as to how much dictation could be given in an evening, and during the week that intervened before

MY FIRST LAW LECTURE

the next lecture I occupied my odd moments in cutting out certain portions of my Contracts notes and in supplying the gap in my own language.

I have always had a faculty of compressing ideas into brief compass and of eliminating the unnecessary words in a sentence. This faculty proved of great value to me now, and I found to my great surprise and pleasure that I could condense the notes I had taken as a student into about one-fourth their original wording, still covering everything that they did and expressing each principle of law in language more readily understood by the beginner.

A nicely balanced sentence of great length, or long winded legal phraseology may be well enough in dictation to day students who have all the time there is at their disposal, but the first thing I learned from my teaching of evening students, with little time for the lectures, was that it was entirely out of place in dictation to them.

As I look back upon it now I believe that the success of the Suffolk Law School was largely due to that first year of experimentation while I was tutoring these men. Although as some of my classmates had informed me it was a very "nervy" thing to teach others while myself a student, yet my very position as a student and teacher gave me a tremendous advantage over the ordinary teacher of law.

I was in a position to study from the student's standpoint the methods of many different teachers of varying capabilities and varying methods of work. Being of an analytical turn of mind, I studied the effect of different methods of teaching upon myself and classmates. I easily recognized the methods that produced good results, and also those that produced

THE EDUCATIONAL OCTOPUS

the opposite. Whenever I discovered a particular method in which the course I was myself taking was faulty, I set about deliberately to remedy that defect.

For example, I had already found that I needed review work, of which we got none at all in Boston University Law School, and I had even the year before gotten together a little circle of classmates for review work, I drawing up as we went along a complete set of quiz questions on each subject; which questions I propounded whenever we met, with the result that everyone in our little circle won honor marks in examinations. When devising methods for teaching I therefore incorporated review work in class as of equal importance with advance work.

There were many ways in which I profited greatly by my dual position as student and teacher, and before the first year of teaching was over I had quite definitely mapped out the methods of teaching that have rendered the Suffolk Law School so different from other institutions, and so uniformly successful. They were devised to meet the needs of students by one who was himself a student at the time, and therefore far better able to appreciate those needs than someone whose student days were already a thing of the past.

TRIBULATIONS

CHAPTER V.

Tribulations.

There were many other lessons that I was to learn during the autumn of 1905, besides those to which I have alluded in the previous chapter. One was that the enthusiasm of men for new experiences, and especially for those that involve mental exertion, is sometimes of very uncertain duration. Within three weeks of the opening lecture I had lost two students, Manning and Golden; but it so happened that their places were immediately filled by two new men, J. J. Smith and A. J. Enman.

Further losses, however, reduced the ranks of the little class. Singularly enough, Mr. Quinn, at whose suggestion the class had been formed, was the next to drop out, and with him his friend Talty. It was therefore a most fortunate circumstance that I had secured additional students beside Mr. Quinn and his friend, otherwise the experiment would have ended in failure within six weeks of its inception.

But a misfortune of more serious nature befell me at this time, and very nearly ended my life. The combination of overwork, city air to one who had always lived in the country, and above all, improper food in quick lunch restaurants, had so weakened me physically that whenever I caught the slightest cold it developed into acute bronchitis.

THE EDUCATIONAL OCTOPUS

In November I was stricken with this malady, and was obliged to substitute my brother Hiram as teacher of my class. I grew steadily worse until my life was so far despaired of that they sent for my fiancée to come to Boston if she wished to see me alive. Needless to say, she came, and her visit and care aided materially in bringing me through the crisis.

I recovered, after nearly a month of illness, and I wonder now how, in my weakened condition, I had the courage to attempt to make up all the work I had missed at the Law School, for it must be remembered that I was taking two years' work in one, and I had therefore lost the equivalent of two months' work.

But kind classmates loaned me notebooks, and during the Thanksgiving holidays I visited at the home of my fiancée in Gilbertville, Mass., where her father (Rev. Henry S. Snyder) was then preaching. Together she and I copied the back notes, and I returned to Boston with renewed courage.

But fate had not finished with me. There was an even more grievous trouble to befall me. As I sat in lecture at the law school on December 5th, 1905, a telegram was placed in my hand, telling me that my mother, from whom I had just received a cheery letter, was dying in the far-off backwoods town in Maine, where I was born.

This day was but the second day that I had been able to attend the law school after my long illness, and my friends told me that it was suicide in my weakened condition to take the long trip through the bitter cold, but there was a voice calling me stronger than any voice of reason or prudence.

I notified the students that I could not meet with

TRIBULATIONS

them that Thursday evening, and my brother and I set out for home by the first train, telegraphing ahead to Bangor for a team that could stand a thirty-five mile dash into the country.

We rode all night, reaching Bangor at two o'clock in the morning. The team was awaiting us, but we found before we had driven five miles into the bleak country that the horse was a decrepit creature, without speed or endurance. We got off the road in the darkness, but found it again and plodded on until mid-forenoon, when we met a man who knew our family, and had gotten word by telephone that very morning that mother was dead.

We completed our sad journey, and after the funeral I returned to Boston and plunged into my work more desperately than ever.

CHAPTER VI.

A Barrier Cleared.

One other man dropped out during the winter term, leaving but four men in the class, and these four remained throughout the year. Two of them, Carl Collar and Ole M. Dahl, afterwards completed the course in the Suffolk Law School.

It must have been about midwinter that I began definitely to consider the advisability and practicability of enlarging upon my venture and founding a regular evening law school. I had put my theories to the test, and the success of them was clearly manifest in the progress that my pupils were making in the difficult subject of Contracts. These theories of teaching were new and original in many respects, and this I felt justified me in continuing the venture.

My brother was taken into consultation, and he agreed with me in my conclusion. I thereupon announced to my pupils that I should continue the work the following year.

But I realized that if I was to continue and attempt to found a regular school there were two very important things for me to accomplish; the first to win my law degree in June, and the second to pass the Massachusetts Bar Examinations in July.

To plan was to act, and as soon as the January ex-

A BARRIER CLEARED

aminations had been heard from, I called upon Secretary J. Merrill Boyd and told him that I was a candidate for graduation.

Now it was the usual thing for a man who was to take the three year course in two years to have taken Bills and Notes in addition to the Freshman work during the first year. This I had not done because of the fact that I had had a great deal of trouble with my eyes while in college and had undergone two operations during the summer prior to entering the law school. I was therefore uncertain whether they would fail me or not, and had not dared to over-tax them by taking Bills and Notes in addition to the Freshman courses.

There was a rule of the school which provided that no person could graduate in two years unless he had attained a ten per cent. higher average than was required of the ordinary three-year student. Secretary Boyd, who was the kindest official I had ever come in contact with in the University, looked up my record and informed me that so far as my marks were concerned I was eligible, but that there was still another rule of the University that a man must be a college graduate in order to be entitled to take his law degree in two years.

I clearly saw the dilemma I was in, for I had not completed my college course, owing in part to financial circumstances and also to the serious eye trouble to which I have alluded. Mr. Boyd referred me to Dr. Melville M. Bigelow, who was then Dean of the Law School, as the only one who could give me a final answer.

I lost no time in invading the Dean's office. Dr.

THE EDUCATIONAL OCTOPUS

Bigelow was always a very kind and sympathetic man, and in this case I could clearly see that he would help me if he could. But I knew also that he saw the obstacle in the way of my graduation, so when he told me to continue with my work and he would see what could be done I feared that he was trying to be as humane as possible, but suspected that, carrying all the work that I was, it was inevitable that I should flunk something and that he would thus be delivered from the necessity of denying my plea to be allowed to graduate, for that would bar me automatically.

I put the question more definitely. I assured him I was going to pass everything, calling his attention to the high marks I had gotten thus far in the school. I told him frankly why I wanted to graduate and explained how much depended upon it. He was plainly troubled in his kind heart, but he told me that the rule stood in my way and that so far as he could then see I would have to wait a year for my degree.

As I was passing out of the office he added that he would consider it further and help me out if he could.

I was quite disheartened over the prospect, but it has always been a habit of mine never to give up until the last possibility has been exhausted. I passed a sleepless night racking my brain in an effort to devise some means of winning my degree.

A resolve gradually shaped itself in my mind to enlist in my behalf the professors in both the college and law departments, who were friends of mine, and I felt that I could count upon several to urge my cause. However, I did not wish to resort to this except as a last extremity.

Then I hit upon a happy idea. While still in col-

A BARRIER CLEARED

lege, I had taken the subject of Sales in the Law School. I knew that Dean Bigelow delighted in fine and technical distinctions, so I resolved to argue my case afresh, having due regard to technical distinctions.

I wrote him a long letter, urging that the two-year rule did not apply to me, for I had been enrolled in the law school more than two years. I further argued that I was neither a two-year man nor yet a three-year man, hence that the trustees had never provided a rule to fit my case. That being true, it was an occasion in which he was free to exercise his discretion. I recited again my reasons for desiring the degree in June, 1906, and ended by telling him that if he still felt doubtful over my case I would like the privilege of having some of my friends talk to him on the subject.

But the letter accomplished all that I desired and I immediately received word from Dean Bigelow that I should have my degree, provided that I passed in all the second semester examinations.

I was very happy over this decision; but I realized that the battle was not entirely won, for a failure in examinations would defeat my purpose. In addition to all that I was doing, there was a thesis to prepare, and this had to be based upon original research work.

In the course of a few weeks I had written my thesis, when all my plans came near to being frustrated by my old enemy bronchitis. My illness came about in this way. About the middle of April, 1906, I was commissioned by the trustees of an estate in Boston to go to the southern part of Ohio and investigate a tract of land owned by the estate, said to be in a productive gas and oil region, but concerning

THE EDUCATIONAL OCTOPUS

which they could obtain no trustworthy information.

I made the trip, and a wonderful trip it was for me, never before having been out of New England. I secured the information and returned with samples of oil from adjoining properties. But pressure of time had made necessary explorations during a rainstorm which occurred while I was in Ohio, and I took a severe cold which resulted in the inevitable bronchitis.

It was usually a matter of a few days before the malady reached its height, so I managed to take one or two senior special examinations immediately after my return from Ohio. I then succumbed to the inevitable and spent about two weeks in the Newton Hospital, where I had been very ill with bronchitis several times before.

Some people have an idea that a bad cold in the chest is bronchitis, but acute bronchitis is a very different thing. With me it usually began in the throat and spread and thickened until my bronchial tubes were so congested that I breathed with great difficulty, developed a high fever and a brain-splitting headache, with an inability to take nourishment for days at a time.

This was the plague that fell upon me when I should have been preparing for or taking my senior special examinations. I suppose I might have been justified in feeling that I had been hopelessly beaten in my fight for my degree, but instead, as soon as I was able to sit up, I wrote to Dean Bigelow telling him of my predicament, and asking the privilege of taking, in the hospital, the examinations that I was missing.

Promptly, from the Dean's office, came a very kind and sympathetic letter, assuring me that I would be

A BARRIER CLEARED

allowed to make up all the examinations I had missed whenever I was able to leave the hospital.

He was true to his word. I passed all my examinations. It was a proud and happy day for me when I received my degree on June 5th, 1906, with my brother and aunt and fiancée gracing the occasion. I had won the first of the two barriers that stood in the way of launching the school in September. There remained now only to pass the bar examinations.

THE EDUCATIONAL OCTOPUS

CHAPTER VII.

Preparation for Bar Examinations.

The balance of the month of June, 1906, was devoted to a variety of labors, but my chief occupation was that of reviewing my entire law school course, in preparation for the bar examinations. I also completed the teaching of the subject of "Contracts," to my little class, giving them their final examinations June 21st, 1906.

It is interesting to note that the total tuition receipts for the year's work was \$126.80, or an average of \$4.09 a week, certainly not such a sum as would have tempted any man to embark in the enterprise I was contemplating if financial considerations were the only inducement.

The month of June was memorable for another reason—a salaried position in one of the finest law offices in Boston was secured for me by an influential friend. As I shall have occasion to mention the same gentleman at other stages of this history, it may be well to explain how it happened that he became interested in me. In order to do so I must take the reader back to a day in early August in the year 1903. I had been working during my vacation in a hotel on the south shore of Cape Cod as night clerk and watchman. The wages had been trifling, \$25. or so a month, but I was trying to earn money for college expenses

PREPARATION FOR BAR EXAMINATIONS

and that seemed to be the only employment that I could obtain.

But while about my duties in the hotel, storing away some boxes in the basement, I had tripped up in the darkness and been thrown to the rough cement floor, mashing very severely the ligaments of my left knee. For a time it appeared that the bones were fractured.

After several days of agony during which, on crutches, I grimly stuck to my work, I was forced to leave for Boston, in the hope of getting into the Massachusetts General Hospital. It never rained harder than that morning when I took the stage-coach for the railroad station, but never did the guiding hand of Providence lead me more obviously than on this occasion.

Half a mile from the hotel, the driver called at a cottage and took on another passenger, a prosperous-looking middle-aged man, with one of the most genuinely sympathetic and noble countenances of any man I had ever met.

It was George A. Frost, the manufacturer of the world celebrated "Boston Garter." I had never seen him before, and was in too great misery to regard him with any degree of interest. But my obvious suffering aroused his sympathy, and he questioned me concerning its cause.

Such was the magnetism of the man, that before we had reached the railroad station I had told him much of my story, of the struggle I had made for an education and of my lifelong ambition to be a lawyer.

I had read in fairy stories of wonderful good fortunes that had befallen young men in times of mortal need, but never did I expect to see it enacted in my

THE EDUCATIONAL OCTOPUS

own life. My "fairy story" is too extensive and too wonderful to be told in this connection, but from the day of that chance meeting in the stagecoach to the day I graduated from the law school, George A. Frost stood sponsor for me financially, beginning his three years of assistance by sending me to a private hospital, furnishing a skillful surgeon, who saved me from lifelong lameness, and providing every comfort that could have been furnished by the most indulgent father.

And ever thereafter it was not a question with him of how much I would ask for in the way of financial aid, but how much he could persuade me to accept, for I continued my frugal ways of living, even to the extent of under-nourishment and resulting illness.

What would have been my fate had I not met this man is difficult to conjecture, but it is safe to say that the Suffolk Law School would never have been founded, and, as will be seen later in this narrative, could never have survived in its early days had it not been for George A. Frost.

But in June, 1906, he rendered another great service to me by securing for me a position with Carver & Blodgett, at 28 State Street, Boston; dependent of course upon my passing the bar examinations. Mr. Frost had thus fulfilled the promise made to me in September, 1903, that if I proved myself worthy, he would see me through school and established in my profession.

During the month of June also I was busy mapping out the next year's plans. I named the new venture "Archer's Evening Law School," and prepared an attractively printed four-page announcement. Under "Methods of Instruction" appeared this first announce-

PREPARATION FOR BAR EXAMINATIONS

ment of the basic principles upon which the school was founded.

"The substance of every lecture is given in dictated notes, with citations of authorities. The important principles are re-emphasized at every succeeding lecture by thorough oral quizzes; and by written problems, assigned each time, the answers to be brought into the class in writing at the next succeeding lecture. This continual re-emphasizing of the maxims and principles already covered by the lectures enables even the busiest person to acquire a thorough grasp of the subject from the class room exercises alone."

Students in the Suffolk Law School will realize that we have since added written quizzes in class and some other important practical features of work, but all will recognize this first announcement as a clear statement of the basal feature of the school work.

Busy as I was, I must have felt that I still had leisure for other things, for I prepared a set of lecture notes on "Agency" to be used in the school the next fall, also a set of lecture notes on "Sales." It is interesting to note that the first course I prepared, "Agency," has continued to be used practically unchanged in form to this day, for when I ceased teaching the subject personally, I turned over my lecture notes to Mr. Douglas who has used them since. They will be succeeded in the coming year by my new text book on Agency, but no other course which I prepared that summer, except Criminal Law, has survived unchanged for so lengthy a period.

The launching of the school now hinged upon my success in the bar examinations, as well as did my position with Carver & Blodgett. But there was an-

THE EDUCATIONAL OCTOPUS

other event in my life that also depended upon my success, the supreme event in any man's life—marriage.

For over three years I had been betrothed to Miss Elizabeth G. Snyder. We had resolved, at the time of my graduation from the Law School, that if I succeeded in passing the bar examinations that summer we would marry in October.

I was aware that the majority of men who took the bar examinations failed in the first attempt and often in the second also, but so much depended upon it that I had resolved to pass in the first attempt, with the result to be seen in the next chapter.

CHAPTER VIII.

The Last Barrier.

It was a very hot and sultry day when the large body of young men gathered in a High School building on West Newton Street for the State Bar Examinations. All details of the seating of candidates had been prearranged, so it was merely necessary to take the seats allotted to us in alphabetical order. Upon each desk lay official examination books. Promptly at nine o'clock, we received our examination questions for the forenoon session.

I read my questions through carefully and, at the first reading, it seemed that I could not answer half of them. But I had steeled myself for the ordeal, and I set about the task with careful deliberation. Since there were fifteen questions I must average one answer every twelve minutes in order to finish by twelve o'clock. But there were some questions that I knew I could not answer in so short a time, while there were others that I could answer readily.

I hit upon a solution that I should strongly advise for other men in a similar plight. I answered the easy questions first, (for each question had a certain amount of space allotted to it by number), and in this way, cleared away a goodly number of the questions in the first hour.

THE EDUCATIONAL OCTOPUS

To my relief, I found that questions at first seemingly outside of any principle of law that I had ever read were, after all, possible of solution by analogy with certain fundamental principles. It is probably true that I answered some questions very wide of the mark, but at five minutes of twelve I had answered every question on the forenoon paper.

The heat of the day had been very oppressive indoors, but the sun was fairly scorching the streets when I left the building for lunch. I walked up Tremont Street to School Street in order to work off the nervous tension under which I was laboring; ate a frugal meal in a dairy lunch; rested half an hour at the office in the Old South Building, and returned to the examination building for the afternoon ordeal.

We began at two o'clock. The afternoon was a repetition of the morning so far as my experiences and methods of work were concerned. Again I answered every question and was leaving the building when the gongs rang to end the afternoon session.

I had done my best, and I felt that my chances of passing were reasonably secure. But I had learned enough from other men who had taken the examinations to know that the ways of the bar examiners were past finding out, and that no man could be sure of success until notified of the result.

Subsequent observation has confirmed me in this opinion, for in the case of my own students I have so often seen the brilliant student flunk and the dull student pass that I have given up the habit of forecasting even to myself the result of a bar examination.

I remember two of my own students in particular who took the same examination. One had completed

THE LAST BARRIER

his four-year course with a splendid record, the other had taken only three years of work and had found great difficulty in passing the school examinations up to that point. I felt confident at the time that the first man had ten chances to the other man's one, but the second man passed and the other flunked.

I have often thought that more attention should be paid to the school record of applicants for admission to the bar, but schools are called upon merely to say that a man passed his school examinations, without specifying whether his rank was seventy-five per cent., or ninety-five per cent. The bar examiners do not meet the men personally, but pass judgment upon them from one examination in writing, whereas there is available information ten times more valuable which they absolutely ignore—the entire record that each applicant from a law school has made during the years of his preparation.

Immediately after the bar examinations, I took a train for Maine to spend a month at my boyhood's home while waiting to hear my fate. But I did not go there exactly for rest. If I were to start the school in September my lecture notes must be prepared during the only time that remained open to me—the month of July, for I was to assume my duties at Carver & Blodgett's in the second week in August, provided my name should appear in the list of lawyers-elect when the results of the bar examinations were made known.

During the month of July I worked on the farm more or less, fished, tramped through the woods, and picked berries, but these were only incidentals, for my main purpose was centered on the preparation of lecture notes in "Contracts" and "Criminal Law."

THE EDUCATIONAL OCTOPUS

In three weeks' time I had finished them. One day as I returned from a few hours' fishing trip with my youngest brother, I found awaiting me the fateful letter.

It was printed, and couched in formal language. I read it through twice before I realized that I had passed—that the last barrier had been cleared away and my life-long ambition was now to be realized!

CHAPTER IX.

I Prepare to Found the School.

I reported for duty at Carver & Blodgett's the second week in August, 1906, and was at once introduced to my new duties. It is natural and proper that the member of the office staff who is least experienced, and whose time is therefore of least value, should be given the routine work that every law office must carry on. Copying legal documents, looking up records, filing pleadings in court and dictating letters in collection cases were the chief duties that came to me at first.

But I was quite disconcerted day after day by the fact that I was so absolutely ignorant of all practical features of law practice. I was well grounded in legal theories, but knew no more of how to start a lawsuit, or conduct it after it was started; how to open a case in court, or to examine witnesses, than the office boy who had never studied law. I soon found that, although these things were not taught in law schools, yet they were perfectly well known to every lawyer of experience. I resolved that in my own school these practical matters should be as carefully taught as the theory of the law itself.

My own experience as a student and a young practitioner had, therefore, brought to my attention another weakness in the current methods of teaching law.

THE EDUCATIONAL OCTOPUS

From this discovery resulted another of the strong features of the Suffolk Law School. I set about deliberately to learn all that I could of the practical side of the law, whether it concerned my regular duties or not. From this beginning resulted, as will be later seen, my first law book, which I wrote in the year 1909—the only text book to this date that sets forth the practical but unwritten customs of law offices and courts.

On the morning of August 21st, 1906 I left my office duties long enough to go to the Supreme Court and be sworn in as a lawyer. The ceremony itself was simple but very impressive. I am sure that each of us in that large assembly of young men who, with upraised right hands, repeated the oath of the lawyer, did so with a prayer of thanksgiving to God that we were now members of the great and noble profession of law.

From the day I had returned to Boston I had been devoting my evenings to house-hunting; for I realized that it was no easy task to locate apartments in which I could instal my bride, when October should come, and also that would contain a room large enough to accommodate the school. I was aware that the slender revenue of the school would be very heavily taxed by the hiring of an office in Boston, so that the only safe plan was to establish a residence in some convenient location where I could also shelter the school during its infancy.

I eventually located a house at 6 Alpine Street, Roxbury, in which the first floor suited my needs exactly. It had a fair-sized front room, with a bay-window that overlooked the street. I could use the room for lecture purposes, and place in the bay-win-

I PREPARE TO FOUND THE SCHOOL

dow transparent glass signs that would proclaim "Archer's Evening Law School" to any one who approached the house from either direction.

The bargain was struck with the landlord. The glass signs were made and installed and I began to accumulate household furniture. I equipped the school room with light wooden assembly chairs of a folding variety, and a flat topped mission office desk for myself. During my leisure moments I constructed about two dozen desks of my own invention for the convenience of the students.

The increasing items of expense now gave me genuine concern, for my salary was small and the money that I paid out for school equipment and school advertising, with what must be set aside for rent, left very little for the furnishing of the domestic portion of my apartments.

I resolutely refrained from calling upon Mr. Frost for a loan. It was a matter of pride with me to demonstrate that now that I was a lawyer there was no necessity of assistance from anybody.

But the results of the summer advertising were much the more a matter of concern, for very few inquiries had come in. A necessity of radical measures seemed apparent. Aside from the changes that I made in the advertisements then running in the newspapers, the measures that I adopted were not only radical but also, as I look at them now, quite useless as well.

I sent out a large number of advertising folders to men in clerical employment, taking their names at random from the Boston Directory. The only result of this labor was that it bolstered up my hopes and

THE EDUCATIONAL OCTOPUS

kept me busy when I might otherwise have been worrying—a result not altogether to be despised.

But in the midst of my labors, when time was so valuable, if I was to launch the school successfully, I caught a severe cold. The inevitable occurred. For ten days I was confined to my bed with bronchitis. My brother Hiram was living with me. With what attention he could give me night and morning, and what hospital experience had taught me to do for myself I passed through the ordeal, a doctor visiting me occasionally.

The fact that I was unable to carry on my work at Carver & Blodgett's was of course my chiefest concern, but the enforced neglect of the advertising season,—it was now the early part of September and the school was to open in two weeks—filled me with alarm. For a time I was of course too ill to worry much about work or advertising, but during the latter part of my illness some of the prospective students began to call at the house in the evening to ask questions.

Mr. George A. Douglas, who later entered the school and is now a member of the faculty, was one of those who called at this time. As I was too ill to see him, my brother met him. From where I lay, some of the conversation could be overheard. He did not register, however. All students who have taken "Criminal Law" and "Agency" under Mr. Douglas will readily understand why, without having seen him, I gained the impression from his voice that he was a very large man.

When I was able to return to my office duties and resume the advertising campaign, the outlook for the opening of the school was very unpromising.

I PREPARE TO FOUND THE SCHOOL

Three out of the five men who had registered during the summer announced that they had given up the idea of studying law. One of the regular men of the previous year called at the house a few evenings before the opening night and announced that he had been attending the Y. M. C. A. Law School, for over a week and should not return.

Several other men whom I had interested to the point of studying law had also been secured by the Y. M. C. A. Law School, but to have one of my "old guard" desert me at this juncture filled me with disappointment and alarm. Knowing as I did the strong drawing powers of the Y. M. C. A. organization, and not having heard from some of the other men, I feared that my little venture had met a complete shipwreck during my illness, and that other men of my original four had joined the big evening law school. I had made my first acquaintance with the competition of a powerful rival, even though the rival was probably not yet officially aware of my existence or of the ambitious plan that I had in mind.

But, after the first sleepless night, I plunged into a last campaign; realizing that only a desperate campaign indeed, could save the school from utter failure at the very beginning. New advertisements were devised and every effort was put forth to reach new men.

CHAPTER X.

The Humble Beginning.

The momentous opening evening, Tuesday, September 19th, 1906, at length arrived. The men came straggling into the little lecture room at 6 Alpine Street, Roxbury, until there were exactly nine of them—just one more than had gathered in the Old South Building when I opened my experimental class in law the previous October.

But the situation was not near so favorable as on that occasion. Then only one of the eight was a visitor, whereas on this occasion five of the nine were visitors. Messrs. Collar, Dahl and Smith of the previous class were present, but only one new man who had registered.

Keenly aware of the expense that I had incurred during the summer, this barren result was very disheartening. But I had put my hand to the plow and the furrow must be driven straight onward. So I swallowed my disappointment and vowed that my first lecture should be so interesting that I would capture every one of the five visitors.

If I remember correctly, we took up Agency that evening. It was not long before I could see that the men were keenly interested in the subject, and just as I was feeling most confident of the success of my lecture an event occurred that filled me with consternation and alarm.

THE HUMBLE BEGINNING

The chairs had never before been occupied and were so new that the varnish had evidently failed to properly harden. At any rate, the unseasonable warmth of the evening had caused the varnish to develop sticky qualities. To my infinite dismay I observed that one of the students was stuck to his chair and covertly endeavoring to free himself.

He succeeded, but the ominous stripping sound with which the fibre of the cloth of his trousers parted company with the varnish set every man in the room on the move. There was a perfect chorus of similar sounds from eight other chairs.

If anything could have been more shattering to the composure of a lecturer under my circumstances than this happening, it would be hard indeed to find it. The majority of these men were visitors who might or might not register according to the impression made by that first lecture. To be seated in sticky chairs that, for aught they knew, might ruin their clothes was enough to make a failure of any lecture.

Thoughts of damage suits, and certainly of damaged suits, flitted through my mind. I forged desperately ahead with my lecture, hoping against hope that the thing would not happen again. But at the second uprising, that occurred within ten minutes, I abruptly suspended my lecture in scarlet confusion.

The men assured me, however, that no damage had been done. Somebody produced a newspaper and distributed a sheet to every chair and the men settled down upon these rustling protectors with sighs of relief. But the humor of the situation burst upon all of us. When the general laughter had subsided I resumed my lecture, and continued to the end of the period without further interruption.

THE EDUCATIONAL OCTOPUS

I was cheered not a little by the manifest enthusiasm of the men—three of the visitors, George A. Douglas, M. V. Connor and John J. Murphy immediately registered, while one other asked to be allowed to attend the lecture of the following evening.

After the first week the following lecture schedule was pursued: Monday evening, "Bills & Notes;" Tuesday evening, "Contracts;" Wednesday evening, "Agency," and Friday evening, "Criminal Law," all of which I taught personally, the sessions lasting from 7.30 to about 9.15 P. M.

During the second week five new men were registered: B. E. Hamilton, one of the visitors on opening evening, George L. Bush, Israel Mostowitz, Charles N. Chase and James F. O'Brien.

The third week added two others to the roll, B. H. Zuccarello and James F. Quigley, making a total of fourteen students, but only for a brief time, for Messrs. Connor, Quigley and Hamilton dropped out within the first month, leaving eleven men to finish the fall term.

The story of this first term of school would not be complete were I to omit the most important event of all—my marriage to Miss Elizabeth G. Snyder, whose loyal sympathy and unswerving faith in the future of the institution were to do so much to strengthen me in the trying days that were to follow.

THE SCHOOL'S FIRST YEAR

CHAPTER XI.

The School's First Year.

The winter term opened December 3rd, 1906, with nine of the regular men in attendance, Mr. Zuccurello and Mr. Larkin having dropped out temporarily. Several new men were added through advertising in the daily papers, and a new entering class was formed. The new men were to take "Torts" with the regular class and "Contracts" by themselves, two evenings per week, under the instruction of Hiram J. Archer until they should catch up with the regular class.

The additional men comprised, Hannibal L. Hamlin, Andrew H. Morrison, Forrest B. Moulton and Thomas L. Talty, whose name appears in the original class formed in 1905. Roland E. Brown was also enrolled for Torts and Criminal Law. Mr. Larkin and Mr. Zuccurello returned at this time.

Mr. Mostowitz dropped out during the third week of the term, leaving fourteen men in attendance during the winter of 1906-1907.

An incident occurred in the early part of this term that gives my wife the unique distinction of being the only woman who has ever taught in the school. My brother, Hiram, who was assisting the new men to make up the work in "Contracts" fell ill and was unable to continue his duties. My wife volunteered to dictate the remainder of the notes, although she knew nothing of

THE EDUCATIONAL OCTOPUS

what they were all about. The men were obviously pleased at the prospect of so fair a teacher, but the joke was on them. Mrs. Archer was not used to dictating notes, and the men were too polite to tell her that she was dictating too fast, so she went on to make a record that can never be equalled again. At the end of the period the men were all on the verge of writers' cramps, and had taken twice as much dictation as was ever given in the school, even by Mr. Douglas years later in his first lecture in "Criminal Law."

The winter term closed February 15, 1907, after a very successful season. My brother's illness had made necessary the employment of someone else to give the course in "Partnership," which was scheduled to be given in the Spring term. My choice fell upon Arthur W. MacLean, who graduated from the Law School at the same time I did, and whom I had known for several years as a man of ability and of the very highest character. He thus became the first regular teacher whom I appointed to assist me in the work.

Two men, Mr. Chase and Mr. Zuccarello, left the school during the Spring term; but four others were added, raising the total to sixteen men. The new men were R. G. Reilly, Geo. A. Rose, Robert T. Healey and A. L. Altmeyer.

Of the sixteen men who attended in the Spring Term it is interesting to note that seven afterward graduated from the school and nine of them became lawyers.

As I recall it now, the eager enthusiasm of these men—so different from what I had been accustomed to among day students in the law school that I had so recently attended—made a very profound impression upon me. As an illustration of this enthusiasm,

THE SCHOOL'S FIRST YEAR

I remember very well the first evening that I explained to them the different stages of an ordinary law suit. I prefaced my remarks by saying that I was about to institute practical work which would involve every stage of an ordinary court trial, the drawing of writs, the entry of suits, the examination of witnesses, etc. The effect upon the men was magical. Every one caught his chair, like a man performing the impossible task of lifting himself by the bootstraps, and came crowding up around my desk, eager not to miss a word!

To be sure it was a very undignified performance, but it illustrated more plainly than words the difference between these eager searchers for knowledge and the ordinary day student with his self complacent languor in class.

It dawned upon me that a great opportunity had suddenly unfolded itself before me. In a great metropolis full of young men such as these, the very class from whom leaders of first magnitude arise, once the shackles of ignorance are struck off and high and noble ambitions are enkindled within them, what might I not be able to accomplish!

It was a blood stirring thought that but for me these men would be denied the very advantages that might place them on the road to destiny. I then resolved that so far as in me lay I would perpetuate the school and dedicate it to the cause of the ambitious boy, who, like myself, had known in his youth the treadmill of poverty while shut off from education, the means of liberty.

This was the very class of men most ignored by the other law schools, permitted to enter if at all on sufferance, but frowned upon and discouraged at every

THE EDUCATIONAL OCTOPUS

point. There was a great unoccupied field for a non-sectarian school that would strongly champion the son of the workingman. Such a school I resolved to permanently establish in Boston.

The first year of the school closed on May 17th, 1907. The attendance had steadily risen, from nine men at the opening night to sixteen men at its close. The tuition charge was forty-five dollars a year and the total receipts for the year were only \$533. But considering all things in the year's perspective, I could not but feel a satisfaction in the progress I had made.

Clouds were lowering, however, and even before the last month of school had passed I was vaguely aware that there were difficult problems to be solved and other battles to be won before the school should open in the following September.

CHAPTER XII.

A Conference With My Students.

The first grand glimpse of the destiny of the school and its possible high mission left me like one who has been suddenly dazzled by a bright light, keenly aware of the dark shadows that immediately afterward surround him. I at once saw that, if I were to work intelligently toward the goal, the present school name must be abandoned, however my pride in having the school bear my name might plead for its continuance.

It was apparent that the name of an individual would prove a great handicap, despite the fact that the great universities of the country were so named. I realized that no man in this age of the world could hope to accomplish much with an institution named for himself, unless he belonged to the aristocracy of wealth, and could by that means awe the public into respect for his plans.

Another problem that stood out ominously was this: My Alpine Street apartments would not be adequate to house the school for another year. I therefore began a systematic canvas of that section of Roxbury, although my time was so limited that my wife and I were obliged to utilize our Sunday afternoon walks for that purpose.

Week after week passed, increasing if anything my

THE EDUCATIONAL OCTOPUS

perplexity, for the rents were either prohibitive or the rooms too small. Once or twice I located a house that I thought would meet the requirements, but in order to secure it for September it must be rented immediately, an expense quite out of the question.

A greater and more ominous problem than either of the others suddenly uprose before me. I learned that the firm of Carver & Blodgett, with whom I was employed, would dissolve in July. In that event I should be obliged to seek a salaried position with another firm, or open an office for myself. I was well aware that a salaried position could not be had for the asking, and, even if it could, I was doubtful of the wisdom of further delaying the beginning of my own law practice.

It has always been my belief, however, that if one faces his problems unflinchingly, searching prayerfully for a solution of them while still to the utmost of his ability performing the task next at hand, that the way would ultimately open.

I have never had patience with that man who loses his grip on his present tasks merely because he cannot clearly see the solution of greater problems ahead, thus becoming a ready prey to despair and failure. Such a man is like a traveler on a road whose general direction is toward his desired goal—the far off citadel on the heights, but who drops by the wayside in despair because, forsooth, he cannot trace with his present vision the entire course of that road.

With all the problems that confronted me in the spring of 1907 there were no "ifs" nor "ands" about my mental attitude toward them—they would each be solved in due course, I was sure of that. But I spent many a wakeful night pondering them.

A CONFERENCE WITH MY STUDENTS

The loyalty of the students was comforting and helpful. The first banquet ever held by the school was arranged by the students for the night following the last examinations—Saturday, May 18, 1907. But I was unable to be present. The work and worry of the past few weeks had rendered me an easy prey to bronchitis, and I was sick abed.

I have in my possession one of the menus, printed by a member of the class, and it possesses historical interest for two reasons—first that it is a souvenir of the first banquet, and secondly that it was the last bit of printed matter to bear the original school name. It marked a transition period, for the students had already begun to drop the word “evening” and call it the “Archer Law School.” It was so printed on the cover of the menu.

As soon as my wife’s careful nursing had brought me out of my illness sufficiently to attend my duties, I felt that the time had come, now that the school was over, to wrestle with the three great problems that were still before me: the school name, the location of the school for the following year, and the question of a salaried employment.

Knowing as I did that the success of the school would be tremendously affected by the name and location, I realized that the only way to approximately ascertain the probable sentiment of young men in general toward the name or location adopted was to accurately ascertain the sentiment of my students. I therefore wrote personal invitations to the students to meet me at 6 Alpine Street to discuss the problems confronting the school.

A number of the men responded. The decision of the conference was unanimous that the best interests

THE EDUCATIONAL OCTOPUS

of the school demanded a more central location. It should be located in Boston. I inquired of each man in turn for suggestions as to possible locations. A Boylston Street address was given me; also that of a building recently vacated by a dental school on Tremont Street.

The school catalogue for the coming year was discussed. I was uncertain in my own mind whether a folder similar to what I had issued the previous year would be adequate, or whether I must undertake the expense of regular school catalogue. The men were divided on the question, but when it had been argued pro and con I announced that I should issue a catalogue.

But the school name proved the most fruitful topic of discussion. All present favored a change of name, as I had already surmised, but no two of them were agreed upon any name that was brought forward. Mr. Douglas offered two names during the evening, "Boston Law School" and "Massachusetts School of Law," but I ruled out the first name as too nearly approaching the name of Boston University Law School. His second suggestion I promised to consider.

When the little company dispersed, after an enthusiastic meeting, I felt that I had made great progress in the solution of the questions confronting the school. As I look back upon it now I consider it a most fortunate occurrence, although in the perspective of years I can see that practically all the internal dissensions, revolts and troubles among the students that were later to try my very soul originated indirectly from that meeting. Why and how these troubles came to me will be disclosed in due course in the pages of this history.

A CRISIS IN THE SCHOOL

CHAPTER XIII.

A Crisis in the School.

Inasmuch as the school name was the first problem that was actually solved, it may with propriety be dealt with in this connection. It must not be supposed, however, that any of the other problems were neglected in the meantime, for all my odd moments were devoted to an endeavor to locate a desirable law firm that needed my services, and wherever I went I was continually on the alert for a desirable location for the school, as well as pondering much upon a school name.

My wife and I would often discuss names for the school. Such names as Bay State, Massachusetts, Atlantic, New England and Suffolk were each considered. None of them seemed satisfactory at first, but the name "Suffolk" gradually emerged from the lot as most appropriate of all. To be sure it was the name of a county in Massachusetts, but it was also an old English name derived from the more ancient "South-folk."

The name of a school, as I regarded the question, should possess alliterative qualities, be clear cut and sonorous. The word Suffolk possessed all of these qualities. I finally decided to rename the school "Suffolk School of Law," and this was the school name for seven years until 1914, when by an act of

THE EDUCATIONAL OCTOPUS

the Legislature the official name was changed to "Suffolk Law School."

On the day following the meeting described in the last chapter I investigated the locations referred to by the students and found each of them to be impossible, either from the standpoint of rental or because of their inconvenient location.

For a time I considered the advisability of hiring a building on Pinckney Street, Boston (within a block of the present home of the school) but the problem of sub-letting the rooms that I would not need was too precarious a venture, for they would have to be let in the same manner as a lodging house.

Still intent upon securing this building, I proposed to a young man who had previously managed the building when it was used by college students as a fraternity house, that if he would lease it I would hire the first floor for lecture purposes. He promised to consider it, but later informed me that he had decided against it.

The uncertainty of my own plans for the coming year was a serious drawback in the solution of the school location, and I soon decided that the matter of location must wait until that question was determined.

One of the students who was acquainted with Charles H. Innes, Esq., informed me that Mr. Innes had expressed a desire to see me. I knew that this gentleman had been tutoring men in law for many years, and I rightly conjectured that law teaching would be the subject of our interview.

I made an appointment by telephone and waited upon him promptly. Our interview was quite extended. I well remember one of the first things he said to me:

A CRISIS IN THE SCHOOL

"I have been teaching law," he said, "for about twenty years, and I have nearly seventy students, but I call my enterprise a class. I don't call it a school. People would laugh at me if I did. Now you have about fifteen students, and it is only an experiment with you,—yet you call it a school. I can't understand why you do it."

I explained to him that I called my enterprise a school because I proposed to make it a school and to conduct it on the very same basis as the regular law schools. Mr. Innes seemed mildly amused at my optimism and doubtless regarded me as a hopeless visionary.

He suggested combining our schools, but since he could not agree to my plans for a regular law school, nor I with his scheme of teaching, we soon found that we could not effect a merger.

Without making a definite proposition to me, he intimated that if I would assist him in his teaching and also become associated with the office (Vahey, Innes & Mansfield) to assist in trial work, I might be allowed a salary that seemed to me at the time quite attractive.

These negotiations were continued for some days, until I became convinced that Mr. Innes was more interested in absorbing my school than anything else, thus to head off competition, so I let the matter drop.

My failure to secure a desirable position with a law firm was driving me with much reluctance, because of my financial condition, to the conclusion that I must start out for myself. I consulted Mr. Blodgett, of the firm of Carver & Blodgett, then about to dissolve, and he advised me to take the step, declaring a temporary shift to be a loss of time. I also consulted Mr. Frost, and he urged me to take Mr. Blodgett's advice seriously

THE EDUCATIONAL OCTOPUS

I continued my search for a location, and discovered that there was a suite of offices to let in the Old Suffolk Savings Bank Building, at 53 Tremont Street, Boston. The rent asked was reasonable, but combined with paying teachers, purchasing additional school furniture, advertising, etc., would make necessary a school income of at least \$1,400.

There would be no weekly salary to help along in the finances. The actual cash receipts from the school for the previous year had been about one-third of the amount the school must yield during the coming year if I were to keep above water financially. Then, too, there was a summer vacation without salary or school revenue, during which money must be expended for advertising and printing.

I had saved every possible dollar during the year, but the fund could not by the most careful management promise to hold out beyond the early part of October for my household expenses alone, so I was naturally not in a position to make withdrawals from that fund for the school.

The whole matter, therefore, hinged upon my ability to secure enough students to raise the school revenue to \$1,400. Several of my present students were unable to pay tuition, or if at all, tardily; so I must secure at least twenty-two additional students. The situation was indeed a desperate one.

My wife and I discussed it pro and con for several days, and in this first great crisis of the school she proved herself to be a woman of rare courage and of abounding faith in the future of the institution.

After much thoughtful and prayerful deliberation we came to the firm conclusion that the step should be taken and we would abide the result.

CHAPTER XIV.

The Fateful Summer of 1907.

I lost no time in negotiating for the suite of offices at 53 Tremont Street. In one of my trips to the building I met an elderly lawyer, Charles B. Stone, who occupied as tenant-at-will a suite of offices on the floor below, much more to my fancy. He signified his intention to vacate in the fall, so I arranged it with him that I would take over the place in August. He offered to sell me a set of Massachusetts Reports, and within a few days I purchased them for the school, having borrowed the money of Mr. Frost.

The question of an associate in the practice of law had been on my mind for some time. My brother Hiram had been admitted to the bar during the previous winter, but his health was in so precarious a condition that I was uncertain whether he would be able to stay in Boston during the coming year.

My thoughts naturally turned to Arthur W. MacLean, previously mentioned as having taught Partnership in the school. Like myself, he had served a year's apprenticeship in a well known law office, and I was confident that he would be favorably disposed toward opening an office of his own.

So I invited him to join with me in a law partnership, and he promptly accepted the offer. The bargain

THE EDUCATIONAL OCTOPUS

was closed with the owners for the suite of offices on the third floor, previously mentioned as occupied by Mr. Stone.

The new firm was to open September first as "Archer & MacLean."

With the dissolution of the firm of Carver & Blodgett, which occurred within a few days, I found myself with leisure time to prepare for the coming year. The catalogue was gotten out—a twelve-page booklet of very respectable appearance.

The faculty as listed were Gleason L. Archer, Principal; Arthur W. MacLean, Hiram J. Archer, Frederick O. Downes and Webster A. Chandler.

My experience of the previous year in losing so many men to the Y. M. C. A. Law School had led me to suppose that it would be wiser to open up my school two weeks after the other had begun, thus giving me more time to advertise after competition had to a certain measure ceased.

The advertising campaign in September, 1907, brought little assurance that the necessary twenty-two new students could be secured, but it was not a time to repine or turn back. Everything depended upon a successful outcome. I was at the office day and evening waiting and watching for prospective students; allowing scarcely time for lunch or supper, lest men should call during my absence.

Financial difficulties loomed up ahead, and the law practice that had come in was of a most unproductive sort. Never did I have more occasion for worryment, nor could I share my troubles with my wife, for she was in a state of health when composure and freedom from worry were imperatively necessary. So I kept her in ignorance of the true state of affairs and went on day

THE FATEFUL SUMMER OF 1907

after day and far into the evening several nights a week in a disheartening vigil.

Could I have spent the time with some degree of profit it would have been less difficult. I tried my hand at literary work of one sort or another, but neither stories nor sketches produced under these circumstances possessed commercial value, and I watched my little bank account dwindle to the vanishing point.

During the latter part of September stragglers came into the office occasionally, the most of them skeptical and desiring "to be shown" that the school could actually train men for the practice of law. The former students had maintained an ominous silence, except in a few cases where the loss of some of them was made certain. One of the most desirable had enrolled at Boston University Law School. Another announced that he had given up the further pursuit of the study of law, and I feared every day that I might learn that others had joined the Y. M. C. A. Law School.

Up to the date of opening of the Fall Term only six men had registered. A few days before opening night I wrote personal letters to my former students, and also to every man on my mailing list, inviting them to be present as visitors at the opening lecture.

CHAPTER XV.

A Student Mutiny.

On the evening of Monday, the last day of September, 1907, the Suffolk School of Law opened. We were at that time under a three year system, so I shall denominate the second year class as Juniors. I had engaged a large office across the corridor from the school headquarters for use on lecture evenings. The Juniors met in this office, while the Freshman Class met in the large outer office of our suite.

If I remember correctly, Mr. MacLean met the Juniors and started lectures in Real Property. I met the Freshmen, as I always have done on the first evening of the year.

All things considered, no opening lecture was ever more trying for me. Among the visitors were several "fresh" individuals, who seemingly came for the express purpose of making trouble. They attempted to air their superior knowledge of law and otherwise to annoy me until I was obliged to "squelch" them, which I did so effectually that they remained quiet and submissive the rest of the evening.

The lecture itself was fairly successful, but I was distressed indeed at the outcome, for only two of the visitors registered, although the fact that I had extended an invitation to them to attend the remaining lectures of the week doubtless had something to do with the failure to register.

A STUDENT MUTINY

The lecture broke up, and the confusion of question-asking by individuals ensued. Some men who attend their first lecture are sure to have doubts about their educational qualifications, or entertain incorrect ideas as to the time when tuition is due. I had been suffering from a headache before the lecture began, but it had now so greatly increased that before the last questioner had left me I was in a state of pain, mental confusion and weariness such as I had never experienced before.

But to cap the climax, and to stamp that evening as one of the most trying of my life, the Juniors filed into the room, even before the last of the new men had left, and their hostile and belligerent looks warned me at once that trouble was in the air. The shock of this discovery was all the greater because their loyalty of the previous year had led me to suppose that I could rely upon them in this crisis of the school's affairs.

The most of the men were silent, waiting for their spokesmen to voice their woes. Nor were spokesmen wanting, and soon they were pouring accusations of shabby treatment because they had learned that I was not planning to teach them personally that year. They also asserted that our plan to use text books in Real Property and Equity would result in half the class leaving the school. Too surprised and dumfounded to meet the issue that night, I mollified the class the best I could and promised to take their grievances under advisement.

I returned home, too exhausted to sleep, and on the verge of despair. I could not for my life imagine the reason for the great change that had come over the Juniors, but a real change there was I felt sure.

Wednesday evening came. Even before my lecture to the Freshmen, the Juniors began worrying me with com-

THE EDUCATIONAL OCTOPUS

plaints; but I told them to see me after lecture, for I realized that I must make a supreme effort to win new men—only eight of the necessary twenty-two had registered. The visitors were less numerous on this evening, but the class was decidedly more friendly. One or two new men had registered after the lecture, when the trouble makers from the second year class appeared to resume their interrupted interview.

Again they insisted that it was unfair for me to teach the Freshmen and turn them over to others. They intimated that I didn't care what happened to them now that I had some other students, and they argued that because they were to be the first graduates the success of the school would depend upon their ability to pass the bar examinations. They reasoned, therefore, that it was my duty to teach them junior and senior subjects as well as what I had taught them the previous year.

My predicament was a difficult one, and I realized that a rash move would ruin the school. I felt that the trouble had already hindered me greatly in winning new students, but it was now likely to disrupt the class that I had counted upon as a nucleus around which to build the school. In the face of so grave a peril, I made a sudden shift in my plans and told the men that I would teach them Equity, and give my brother the course in Criminal Law which I had expected to teach the Freshmen.

This served to pacify the belligerents somewhat, and they dispersed for the evening. But the change had placed an additional burden upon my shoulders. Equity is a difficult subject for one to prepare to teach, especially on so short a notice.

On Friday evening I made good my promise to teach Equity, but I found the class so belligerent on the sub-

A STUDENT MUTINY

ject of text books that I decided not to force the issue, but to withdraw the text book requirement and give notes in all subjects.

The last evening for visitors had now passed and only eleven new men had registered. By this time I had given up hope of the necessary number of students, my whole concern now being to minimize the inevitable deficit in the school exchequer as much as was possible.

By nature I am long suffering and slow to anger, but when the second week came and the Juniors still hung like a millstone about my neck, impeding my every effort, I began seriously to think of disbanding the whole class. I observed, however, upon watching them narrowly, that only two or three of them were actively hostile and that these few *had not paid their tuition*. It was evidently a deliberate attempt to coerce me into changes of plan—in other words these men were trying to run the school.

I awaited their next move, ready to take swift and summary action. They now came forward with two additional demands. The first was for typewritten notes, a matter I had already considered, but had ruled against because it would have a tendency to encourage students to cut lectures, and would result in a school but little superior to a correspondence school. I told the men flatly that they could not have typewritten notes, and explained the reason.

Their second demand was for early and late divisions. This might have given me a clue to all the trouble. I had announced in the new catalogue that we would form early and late divisions of classes if there was a sufficient number of men to warrant it, but as a matter of fact, there was no such division to be made of the Freshman

THE EDUCATIONAL OCTOPUS

Class. The trouble makers had seized upon this announcement as a pretext for further annoyance, but as there was less than a dozen men in the Junior Class the new request was nothing short of preposterous.

My turn had now fully come. I told the men that there would be no division of the class—they would either attend in a body early or they would come late. If there was even one man in the class who could not come early, then there would be no early session.

Warmed up to the subject, I told the class that from this day forth we were going to have fewer students or harmony; that school policies were now clearly defined, and any student who was still dissatisfied with them should at once leave the class, for I had fully resolved to expell the next trouble maker that showed his head.

Upon the close of my remarks I requested every man who would pledge himself to harmony and loyalty to the school to manifest it by an upraised hand. Every man but the two trouble makers raised his hand. Not only that, but they crowded around me after the lecture and assured me in most emphatic terms of their loyalty. The discredited "leaders" withdrew. When the class met again they were no longer members of the school.

But I was still entirely at loss as to the true explanation of the hostility and malice of the trouble makers. It was not until the following year that I learned the truth from the lips of one of them.

The cause was in itself trivial. It is extraordinary that any men should have taken offense, and adopted the attitude they did. The ringleader of all the trouble had been one of the men whom I had invited to the conference at Roxbury on the previous year. It seems that the invitation had so inflated his vanity that he considered

A STUDENT MUTINY

himself one of the board of overseers of the school, and that I had voluntarily given over the management of the school to the students who had met me at that conference.

Perhaps, also, the fact that nearly all of them were older than I had something to do with it, but at any rate this man chose to consider himself grievously slighted because I had adopted a new name for the school, issued a catalogue and selected a location in Boston, all without consulting the "board of overseers." To vent his spite and malice he was willing to go to any length, even to disrupting the school—if such a thing were possible.

THE EDUCATIONAL OCTOPUS

CHAPTER XVI.

School Finances, Real and Apparent.

But now that the trouble had subsided, we settled down to a well ordered system. I flatter myself that only a tactful handling of a desperate situation and a firm dealing with the malcontents when they had been singled out could have saved the school in this crisis. There was another result not to be despised that flowed from this experience. It had fortified me in my position as head of the school and given me greater confidence in my ability to handle other difficulties that later arose, similar in character and traceable to the same original cause.

Within the first three weeks of the Fall Term, the Freshmen registration had risen to eighteen men. Later in the term other men entered, but this increase was offset by the number of those who dropped out, so the average attendance of Freshmen for the Fall term continued at about eighteen men, *four less than the number which my estimate had called for as necessary to pay expenses.* But my estimate had been based upon a more favorable situation in the Junior class. In addition to the men that I had lost, with the resulting loss of revenue, was also the fact that several men in the class were unable to pay their tuition.

The dilatory payment of tuition throughout the school became, in fact, one of my greatest trials, as it ever

SCHOOL FINANCES REAL AND APPARENT

afterward remained during the trying years when the school expenses equaled or exceeded the tuition receipts. Some men took great offense at being asked to pay up, considering it a reflection upon their financial responsibility.

One man that I recall, whose financial ability was unquestioned, left the school in anger at this time because he had received a bill. He upbraided me for not following commercial usages and allowing payment "after the service was rendered," as he expressed it. He had chosen to raise this issue before the entire class and to declare that he would quit the school rather than submit to such an "outrageous custom," so I met his challenge by telling him to go as soon as he pleased. He made a dramatic exit from the class.

Had it not been for my law practice, scanty and unproductive as it was, it is hard to say how I would have gotten through that year. I had from long necessity reduced economy to a science, and many a time I walked the three miles to or from my home to save a five cent car fare.

Mr. Frost had still continued a custom that he had begun when I was a student, of giving me liberal donations of clothing, and because of this I was able to make a presentable appearance, even though I did not spend twenty dollars on myself during the entire year of 1907-1908.

My wife, although she did not realize in the least the financial straits I was in, was nevertheless the most economical of housewives. On January 22, 1908, the great event to which we had both looked forward with such eager interest occurred, and our first child, Allan Frost Archer, was born. I believe

THE EDUCATIONAL OCTOPUS

I was too happy to worry much over finances in those days, for my relief that mother and child had passed through the great ordeal was exceeding great.

I used to walk to the Boothby Hospital, where they were until Allan was two weeks old, making myself a daily nuisance to the nurses, I have no doubt. But to be with my pug-nosed son and his mother, was a sufficient inducement to cause me to brave even the Gorgon Medusa herself.

Throughout this year of financial struggle I never breathed to a soul, except to my wife and Mr. Frost, that the school was not highly prosperous, for so to do would have been suicidal to my plans. It is said that when Washington was in command of the Continental Army, he chafed sorely under the necessity of spreading broadcast optimistic reports of the size and equipment of his army in order to keep the British from knowing the truth, because these very optimistic reports misled the people and caused them to misjudge Washington for not accomplishing more.

During all the years of stress and hardship, I was placed in much the same position, not even daring to disclose to the members of the faculty the financial condition of the school, lest it should discourage them, or by some mischance be noised abroad and reach the ears of the rival school and cause redoubled efforts to crush the youthful enterprise.

I verily believe that in years of the school's gravest peril I would certainly have been forced to the wall financially and thus obliged to discontinue the school had our enemies known of their opportunity for successful attack. But, as it was, they labored under the impression that the school was a successful financial venture, and their opportunity unwittingly passed.

SCHOOL FINANCES REAL AND APPARENT

As I have intimated, however, this strategic silence subjected me to misunderstanding from my assistants. At times even when the school revenue was so small that I had not only to serve without a salary myself, but also to pledge my personal credit and borrow money to pay the running expenses of the school, some of the faculty murmured because they were not being paid as much as they deemed proper, because of the supposed revenue of the school.

It is a favorite trick of the amateur financier to multiply the tuition rate per year by the maximum number of students who register during the year and call that result the school revenue, whereas if the school revenue reaches two-thirds of that figure the school treasurer is indeed fortunate.

Not only does the uninitiated arrive at a false conclusion as to the total, but he usually errs as much in the opposite direction when trying to figure out the operating expenses of the school, for he knows nothing of the hundred and one incidental but absolutely essential expenditures that total a surprisingly large drain upon a slender exchequer.

But I was obliged to accept these annoying misunderstandings, particularly during the legislative contest, with as good grace as possible; for an exposure of the financial weakness of the school would have been too great a risk, even in justification of myself. I have spoken of these matters at length, not because in the year 1907-1908 any of my teachers were inclined to misunderstand, but because the policy was then inaugurated of outwitting the enemies of the school by refraining from correcting the amateur financiers in their estimates of the financial strength of the institution.

CHAPTER XVII.

The School Wins Friends and "Free Advertising."

From all viewpoints, except financial, the school year of 1907-1908 was a great success. The enthusiasm and loyalty of the students seemed to increase with every month of school. A school debating club was formed in October 1907. It so happened that Hugh A. Quinn, the young man referred to in the opening chapter of this history, and at whose suggestion I had embarked upon my career as a law teacher, was the first President of the organization, for he had resumed his study of law.

I made it a point to attend the sessions of the club, and it became a means of staging mock trials and introducing social features quite necessary to the well being of the school. The club survived for two years and was succeeded by class organizations, some of them of very brief duration.

In preparing for the 1908-1909 catalogue, which was issued about April 1908, I had determined upon a number of important features for the new year. One was the creation of an "Advisory Council," to which I could take questions of school policy. In pursuance of that plan I secured the following prominent men to serve as my official advisers: Dr. Melville M. Bigelow, Dean of Boston University Law School; Judge John A. Bennett of the Boston Municipal Court and J. Merrill Boyd, Secretary of Boston University Law School.

It had become necessary also to enlarge the faculty of the school, which I did by appointing the following

THE SCHOOL WINS FRIENDS

additional lawyers, A. Chesley York, George L. Ellsworth and Thomas J. Boynton (later Attorney-General of Massachusetts).

I remember very well my first meeting with Mr. Boynton. At that time he had recently been mayor of Everett, Mass. We had a student in the school who was a very warm admirer of Mr. Boynton, although he was a Republican while Mr. Boynton was a Democrat. The singular situation of a Republican so cordially praising a Democrat, and especially because of the splendid things he said of him, attracted my attention and led me to believe that he would be just the lawyer I needed to teach Legal Ethics to my students.

So I called upon Mr. Boynton in his Boston office. My first interview so fully confirmed all that had been told me of the man that I explained to him what I was trying to accomplish with the school, and invited him to join the faculty. He promptly accepted, and from that day forward has been a most loyal friend both to myself and to the school.

I appreciated Mr. Boynton all the more after I had attempted to induce other prominent men to lecture to my students during the ensuing year, only to be turned down flatly by the most of them and by the others either ignored, or a price set for a lecture so far above what the school could afford to pay, that it was equivalent to a refusal.

I thus learned very early that I could expect neither assistance nor encouragement from prominent lawyers or judges of Boston who belonged with, or catered to, the "high brow" element. My mission was the uplifting of poor boys; and it was impressed upon me

THE EDUCATIONAL OCTOPUS

many years during the course of years, especially during the legislative contest with the "Educational Octopus," that I was doing something very wrong; that these young men belonged in the "lower order" in which they were born, and to educate them was, as one of the so-called "intellectuals" phrased it, three years ago in my presence, "like trying to turn cart horses into trotters."

I defended myself on the ground that nothing better could be expected of me since I was born one of the "lower order" and was therefore a "cart horse," but one moreover that some of the "trotters" like himself seemed to be afraid to try an intellectual race with.

I greatly appreciated, therefore, the spirit of Mr. Boynton, so different from other prominent lawyers with whom I had come in contact. I appreciated especially his willingness to become a member of the faculty of my unknown and, at that time, insignificant school.

I appreciated also the kindness of Dean Bigelow and of Secretary Boyd of the Law School from which I had graduated, for in allowing their names to appear in the 1908-1909 catalogue as members of the Advisory Council they each rendered a great service to the school in that critical period. The friendship of Judge Bennett was also very helpful, for his office was in the same building with the school, and he had opportunity to observe what we were accomplishing.

In issuing the catalogue that Spring I felt sure that the indorsement of my school, conveyed by the names of these prominent men, would assist very materially in the registration of new students, and so it proved.

To that date the school had never been able to se-

THE SCHOOL WINS FRIENDS

cure any recognition from the Boston newspapers. As one of the editors of the *Globe* told me, at about that time, news items concerning the school would be "free advertising," and if I wanted advertising I must pay for it. But through a bit of good fortune I secured shortly after that some "free advertising" in a very unexpected way, even from the *Globe* itself.

The incident occurred at the school banquet April 30th, 1908. We had as guests on that evening Mr. Boynton, Judge Bennett, the late Professor A. C. Boyd and Secretary Boyd. I was seated at the foot of the table away from the rest of the speakers. One of the enterprising members of the banquet committee had sent tickets to the newspapers, and it so happened that a reporter for the *Globe* sat beside me at the foot of the table. This does not signify that our banquet would have been mentioned in the morning papers, for it has sometimes happened to the school that the reporter who ate the heartiest was least likely to mention us in his paper next morning.

The reporter who sat beside me noticed Judge Bennett at the head of the table and asked me what the judge would talk about, casually mentioning that he had sentenced a notorious agitator in court that day for incendiary utterances. I had not heard of it, but having been a reporter myself, I at once saw that if Judge Bennett should refer to the agitator it would be "news."

I therefore wrote, on one of my cards, a note to Judge Bennett asking him to tell the company about the incident of the day if he thought it proper. Sure enough, when the Judge arose he told us he had given the offender "the limit" because of the nature of his offense.

THE EDUCATIONAL OCTOPUS

The next morning the Globe came out with an account of the banquet and a long quotation from Judge Bennett's remarks. Other papers copied it and the school received a lot of "free advertising."

CHAPTER XVIII.

Assailed by Suffragettes.

A few days after the banquet I was in conversation with the city editor of the Boston Journal, who took me to task for not notifying his paper of the banquet. It was easy enough to excuse myself, for the banquet committee had taken charge of the affair and notified the newspapers. I assured him that I would not have overlooked the Journal and gave him a glowing account of the school and my plans for its future.

When we parted he asked me to notify him of our next public function and I promised to do so. Of course I fully appreciated the value of news items in establishing the reputation of the school, but at the time I could not think of any occasion that would come for a full year when I could make use of the kind offices of the Journal.

That night, however, I awoke in the "wee small" hours and worked out a plan that promised more publicity for the school. We had as yet no graduating class, but I conceived the idea of holding public exercises at the close of the school year.

I at once got in touch with the debating club and outlined a plan for an amusing mock-trial, an action of tort for assault and battery with a soup bone, based upon an actual happening to one of our students who worked in a market. The Journal gave the affair an

THE EDUCATIONAL OCTOPUS

advance "write-up" with four photographs, and the Boston Post did likewise, using two photographs, mine being one of those used in each case.

I had engaged a hall in Tremont Temple and the exercises were there held May 18, 1908. Reporters from various newspapers were present. I was the first speaker, followed by Mr. Boynton and Judge Oscar A. Marden, who later presided over the mock-trial. The affair was a complete success.

My address was on a topic that I rightly divined would attract attention—the question of co-education in our law school. I placed myself on record as squarely against it and announced our school policy to maintain classes exclusively for men.

The newspapers came out on the following morning with long articles, the principal part of which concerned my remarks. "The Record" had in big headlines, "Archer Would Bar Women" and the Journal "Jolts Co-Education at Suffolk Law School," while other papers had headings similar in tone. Mr. Boynton had commented mildly on my remarks on co-education, so one newspaper ran three headings, "Would Bar Women From Men's Law School." "Dean Archer Stirs Up Faculty to Reply." "Closing Exercises of Evening Law School Marked by Lively Debate as to Policy."

Some papers misquoted my words and I caused corrected versions of my remarks to be published the next day in the offending papers. This correction was brief, so I shall offer it in this connection to illustrate both the incident and the policy, for it expressed my firm conviction and has been adhered to by the school throughout its history.

ASSAILED BY SUFFRAGETTES

DEAN ARCHER MAKES CORRECTION.

To the Editor of the Advertiser: In view of the fact that the morning papers misquoted my remarks on co-education at the closing exercises of the Suffolk School of Law at Tremont Temple last evening, I wish, in justice to the school which I represent and to the very estimable young ladies who sometimes study law, to make a correction.

"I am represented as saying the following:

"A lot of women is not conducive to progress in the class. Men are gallant. No instructor can teach well and no student can study acceptably under such a system. If we admitted women we would be introducing a lowering element."

"But I really said. 'The Suffolk School of Law aims to put in the way of each of its students the best possible conditions of study. Now there are some men, and perhaps a large percentage, to whom the presence of a lady in class is not conducive to strictest application to the discussions of the class. Man is naturally sentimental and inclined to gallantries towards the opposite sex. A few such in a class will furnish amusement for all others. They will watch the shy glances and miss no opportunity to tease the suspected party or parties. An instructor cannot hold undivided attention under such circumstances. So we feel sure that in admitting lady students to our classes we would be introducing a distracting element, that might lower the high standard of scholarship hitherto maintained by the students of the Suffolk School of Law.'"

May 20, 1908.

Gleason L. Archer."

Nothing could have been more timely or valuable as publicity for the school. But its value as a news feat-

THE EDUCATIONAL OCTOPUS

ure was heightened by the fact that I was assailed by the suffragettes. One of the Sunday papers came out with a feature article, containing opinions from women lawyers on the issue I had raised. One of the introductory paragraphs was as follows:

"When Dean Gleason L. Archer of the Suffolk Law School came forth declaring that the presence of women in classes attended by men is not conducive to study, he hardly realized the storm of adverse criticism that his remarks would arouse."

It is true that I hardly realized the amount of publicity my remarks would receive. But every assault added to the interest taken by the public in the youthful institution.

But a greater event was to occur within two months that would demonstrate emphatically the real worth of the school.

CHAPTER XIX.

The First Lawyer From Our School.

The school had now been running for two years. I was beginning to look forward to the time when my students should meet the exacting test of the bar examinations, and the success or failure of the school be thus publicly demonstrated. While no school should content itself with merely imparting sufficient knowledge to pass the bar examinations, yet it is the only test by which the public can estimate the worth of a law school. I knew from my own experience with day students that the young men who were attending my school were more firmly grounded in each subject than the average day student.

But I realized that there were at least three obstacles to a good bar examination record for my school. The first, was the fact of the school's brief existence and its humble origin. The second, was the prejudice existing generally against evening students. The third, was the most formidable of all—the young men attending my school had very little general education. There was only one man in the Junior Class who was even a high school graduate, the rest of them having no more than grammar school training. Whatever record the school might make in the bar examinations must be made by these untrained men in competition with college graduates from Harvard Law School and col-

THE EDUCATIONAL OCTOPUS

lege and high school men from the other law schools.

I was well aware that any law school can train a college graduate, for the well-disciplined mind can assimilate knowledge under the most indifferent system of instruction, but to take the "raw material," as our students might be termed, and train them by evening instruction so that they might make a creditable record in competition with splendidly educated day students who had all their time for study, is the severest kind of a test for any institution.

So when, in June, 1908, Roland E. Brown, of the Junior Class approached me for certification to the bar examiners for the time he had been studying, I was quite aghast at the idea of his taking the bar examination. While I knew that day students sometimes passed the bar after two years' study, (I had accomplished the feat myself) the cases were rare. In fact, I knew of college graduates who had finished the three-year law course and then been obliged to take the bar examinations five or six times before passing. Some of my own classmates in the law school were still taking the bar examinations in 1908.

But Brown, a machinist by trade, with only a common school education and two years of night training in law, could not hope for success. Still I had a deep sympathy for him. I cautioned him not to be disappointed if he failed, for there was not one chance in ten of his passing the bar examination. But I gave him the certificate of two years' study.

It is needless to say that when, on July 23, 1908, the list of successful candidates for admission to the bar was published and I saw the name of Roland E. Brown upon it, I was as happy as Brown himself. It was a

THE FIRST LAWYER FROM OUR SCHOOL

wonderful achievement for the school. I at once saw that if the fact became known, it would mean a tremendous boom for the institution.

My own experience as a newspaper man led me to adopt the very expedient that would make real news of the incident. I immediately arranged a reception in Brown's honor at my house and gave the story to the Journal.

The next morning I arose very early and went out to a news-stand for the "Journal." The eagerness with which I scanned the paper was rewarded, for in a very conspicuous place was Brown's picture, accompanied by the following article.

TWO YEAR STUDENT BECOMES LAWYER

Dean Archer, Who Advised Roland Brown to Wait,
to Give Reception in Honor at the Archer
Residence.

"The old, old story of 'I told you so,' has a modern variation. Roland E. Brown of the Junior Class of the Suffolk School of Law wanted to take the bar examination in June of this year. Dean Archer told him not to be so rash, that he would fail without doubt and his \$15. would be thrown away.

"But Brown had confidence—lots of it, and he took the examination. Now he is smiling, for the list of successful candidates that came out yesterday had "Brown" upon it in big letters. It also transpires that Dean Archer has gracefully receded from his position,

THE EDUCATIONAL OCTOPUS

for it is announced that a reception in Brown's honor will be given at the home of the Dean next Monday evening.

"Brown's record in passing the bar examination after but two years of attendance at an evening school is a remarkable one."

Several other newspapers gave the affair a news item, and the Globe, which not long before had refused to give the school "free advertising," sent a reporter to me to get further details for a longer article, which was later published with Brown's picture.

The reception was held according to schedule in the old school room at 6 Alpine street, where Brown had begun his studies in December, 1906, as related in an earlier chapter of this history.

THE GOOD SAMARITAN

CHAPTER XX.

The Good Samaritan.

Some time prior to the bar examinations the question of a suitable school seal had been under consideration. Even while the school was in Roxbury the demand for some visible insignia to be worn by the students had resulted in a monogram pin in the form of a letter "A" with "law school" upon it. Now that the school name had changed from Archer Law School to Suffolk School of Law, a new pin became necessary.

We had spent some time trying to devise a suitable design for a seal. A firm of jewellers were also working upon plans to submit to me. But one day in June 1908, as I was sitting at my desk, the present school seal flashed as a mental picture across my mind. I sketched it out hurriedly on the back of an envelope exactly as it exists today, even to the motto, scales of justice, etc., so vividly had the picture impressed itself upon me.

Taking it immediately to the jewelers' to compare with their designs, we at once decided upon it and I ordered the die made for school jewelry. The first tangible reproduction of the school seal is on the gold pin that I have worn ever since, the first pin made from that die.

Shortly after, I had a cut made of the design and ordered the first printed matter to bear the imprint of

THE EDUCATIONAL OCTOPUS

the seal—a stock of letter heads, with the seal in the left hand corner.

It so happened that the first use of the new letter heads was called forth by Brown's success in the bar examinations, for I purchased several hundred copies of the issue of the Journal containing the article, clipped them and sent out letters to all the men on my mailing list, with a clipping enclosed.

I was my own office boy and stenographer. I well remember how I labored in my dingy little office to get out that issue of letters. I used an old style diaphragm mimeograph. If I remember correctly, some of the men who afterward became students in the school, having read of Brown's success in the papers, called at the office and found me in the humble employment of printer's devil—and inquired for the Dean!

But I was already somewhat used to those things, for lack of funds to hire help obliged me personally to act as janitor, office boy, stenographer and even carpenter during the years of the school's adversity.

No immediate response resulted from the letters, but I felt very confident that results would be forthcoming. My greatest worryment was that of financing the school until opening time. Quite a number of men were still owing tuition. I sent out a special appeal to the delinquents, offering a liberal discount upon their bills if they would raise the money and pay up; but very few of them responded, less than forty dollars being paid.

Reduced to the last extremity, and unable to pay either the rent, or finance an advertising campaign, I was obliged to go to Mr. Frost for a loan. This necessity was especially distasteful because of the fact that

THE GOOD SAMARITAN

after I graduated from the law school Mr. Frost had astonished me, in spite of all his wonderful kindness previously, by saying that the loans which he had made to me while I was a student, and which I hoped shortly to begin to repay, were not loans but gifts. Very naturally, therefore, I hesitated at asking for more loans, lest it appear that I was of the barnacle variety that repays one kindness by begging for another.

However, I went to him and stated my case, and he very promptly loaned me two hundred dollars. With renewed courage I set about the advertising campaign. By September 1, 1908, thirteen new men had registered. The prospects were indeed rosy, and I began to feel confident that my Freshman Class would exceed both the upper classes combined.

But it was a long, weary season. I was on duty day and evening at the office, until I felt hardly acquainted with my baby boy, for he was always asleep when I was at the house. But stragglers came in with encouraging frequency, and when opening day arrived I had already registered thirty-five new men.

To say that I was relieved and happy is to put it mildly. Knowing that I had no lecture rooms at 53 Tremont Street large enough to accommodate the crowd that was likely to attend the opening lecture, I engaged Social Hall in Tremont Temple for opening night.

CHAPTER XXI.

A Great Boom for the School.

The school opened for the year on the evening of September 28, 1908, and opening night is always a very strenuous occasion for me. This proved to be an especially busy evening, for a great many Freshmen came to my office before going to Tremont Temple, and many of the upper classmen desired to see me personally, before the lectures began. Rumors kept pouring in that a large number of Freshmen were gathering in Social Hall, for some of the upper class men called there out of curiosity before coming to the school.

When I arrived at the hall to deliver the opening lecture I was overjoyed to find that the rumors were well founded. A far larger crowd than I had expected, awaited my appearance.

The men eyed me with a good deal of curiosity, as I opened my green bag and laid out on the lecture table my lecture notes, application blanks, paper, index-cards, etc., each to be used later in the evening. But I was as interested to see my new pupils as they to see me, and it was a very gratifying sight indeed—so many intelligent, earnest faces.

The lecture passed off with great apparent success. When I distributed the index-cards for the names, addresses and division, whether early or late, nearly

A GREAT BOOM FOR THE SCHOOL

every man in the room signed his card. I organized the class into three divisions, and appointed the lecture rooms and evenings for those divisions.

Luckily for me, the building at 53 Tremont Street was nearly tenantless, so I had secured the fourth floor and a large room on the third floor opposite the school office and library. This great influx of students could, therefore, be handled without difficulty.

Little did I realize that not until 1914 would I meet a larger class of Freshmen, nor that these men who had just entered would participate as students in the first great legislative campaign for power to confer degrees. But I returned home that night, happy in the belief that the school had passed through its period of greatest adversity and trial, and that the way from this time forward would be steadily upward from one success to another, little dreaming of the Educational Octopus whose tentacles were even now creeping uneasily in my direction. The school had at a single bound become a factor unwelcome to the entrenched monopoly of the educational world.

By the close of the first week sixty-two Freshmen had registered. This number was later increased until more than seventy new students were enrolled. The lecture rooms at 53 Tremont Street were taxed to their utmost.

But in the midst of my busy labors troubles arose in the Senior Class, the same class that had mutinied the year before. The cause was not far to seek. In a moment of unwise compassion I had allowed one of the ringleaders of the trouble of the previous year to return to the school. He had seemed properly chastened and repentant, and I thought that his punishment had been severe enough.

THE EDUCATIONAL OCTOPUS

But he had no sooner returned than he began to foment trouble, secretly endeavoring to poison the minds of the students, not only in his own class but in the lower classes as well.

The first rumors of trouble had already come in when an event occurred that brought matters to a climax and roused my wrath as it has seldom been roused by a student. We had in those days a common bulletin board without a glass door in front. I came into the corridor one evening just in time to see three seniors scurry away from the bulletin board in a manner that aroused my suspicion.

I had that day posted a notice with reference to class meetings, stating among other things that students would "be permitted" to use lecture rooms by obtaining permission from the Dean. The word "permitted" had been heavily underscored and something had been printed in pencil underneath the notice, the nature of which I have now forgotten but which was a malicious insult to me and my authority as Dean. I knew immediately that one of three possible culprits had committed the act.

I met the challenge of my authority by posting an exact copy of the mutilated notice, together with a second notice to the effect that any student who thereafter in any way molested a notice on the bulletin board would be expelled from the school. I then visited the senior lecture room and informed the class of the outrage, notifying them that unless the perpetrators of the insult apologized to me within twenty-four hours I would expel the suspected parties from the school.

On the following day I wrote a letter of expulsion for each of the three men; for I had not yet heard

A GREAT BOOM FOR THE SCHOOL

from them. But desiring to know if possible the one who had done the printing I grilled each of the suspected parties, all of whom denied the act. Finally, the one that I least suspected, and concerning whom I would never have entertained the slightest suspicion had I not seen him with the others, confessed that he had done the printing and humbly apologized.

It was somewhat of a shock to me, for this man had appeared to be the most loyal of all my students and had certainly enjoyed my confidence more than any other student, either before or since. But he had forfeited that confidence now. I believe that the shame that he felt caused him to leave the school, for he shortly thereafter withdrew as a student.

But he had given a clue to the real trouble maker and this clue pointed straight to the very man who had been the ringleader of the previous insurrection. I had already interviewed the man, for he was one of the three suspects, but he had denied complicity in the affair.

Not wishing to have trouble with the man at the school, I called at his office to have it out with him in private.

Denials and evasions were of no use this time, for I was determined to have the truth. My experience as a cross examiner had taught me that one of the surest ways to obtain real information as to a person's motives was to get that person excited and mad clear through. This I proceeded to do and I obtained the information that I have mentioned in Chapter XV, but not in connected form, for I gathered it from various wrathful taunts that escaped from his lips.

I had thus again reaped trouble from an imaginary

THE EDUCATIONAL OCTOPUS

slight and from the same individual. A few months later when his class was graduating he demanded his diploma and threatened to ruin the school if he did not get it. Needless to say, he did not get his diploma.

CHAPTER XXII.

My First Law Writing and the Traveler Contest.

The great increase in students had wrought a corresponding increase in my duties at the school. I soon found myself facing a difficult problem—that of whether I should or could continue my law practice. When I started the school I had not the remotest idea of eventually giving up my practice, for I liked court work—especially the examination and cross examination of witnesses.

But I soon came to the point where it was apparent to me that I would eventually have to choose between the school and law practice, for I could not hope to divide my attention and perform either task to the best of my ability. Then, too, it occurred to me that it would be belittling the school for the Dean of a law school to go into court and try ordinary cases, possibly against some of his own graduates.

In December, 1908 when the school work became so burdensome, I reached the final conclusion that I would close up my law practice and devote my entire time to the school. This is a decision that doubtless insured the permanence of the school, but the time later came when I regretted that I had not a law practice to fall back upon.

I have previously mentioned the mock trials that were held at the school. Co-incidental with my deci-

THE EDUCATIONAL OCTOPUS

sion to devote my entire time to the school I began to extend the scope of the work of the school courts. The jury was now drawn from the Freshman class and thus the trials were participated in by all the school.

I presided as judge at all trials, but was greatly burdened by the fact that each trial meant instruction of new men in the necessary routine of the court room. The necessity of means of imparting this knowledge impressed itself upon me more and more as weeks passed.

I finally decided to prepare a scrap book (which is still in my possession) of writs in common use with full instructions concerning them. When this was partially completed I realized that it would meet only a part of the difficulty; so I began to draft instructions for the complete handling of a law suit. My intention then was to prepare a mere booklet. But as I outlined the topics to be covered, I saw at once that a booklet would never do.

Without any reasonable hope of the success of the venture I began on January 26, 1909, what was to prove my first law book, "Law Office and Court Procedure." Like the beginning of the school, it did not impress me at first as of any great significance in my life; and I pursued its preparation in odd moments, either at the office or at my home. My wife has always said that I am never happy unless I am writing, and perhaps that is true, for there has rarely been a month in the past ten years that has not seen my pen busy at something. But I thoroughly enjoyed law writing, and perhaps the very fact that I wrote chapter after chapter of this book with so little effort was what led me to esteem it so lightly. I have

MY FIRST LAW WRITING

been lately reminded that my customary excuse in the winter of 1909 for the time I was devoting to the book was this, "Of course I never expect it to be published; but it will be useful for the students."

At about the time I began the preparation of the material for the book, an event occurred that soon brought about a decided change in the school's affairs. The building at 53 Tremont Street changed ownership. I was notified of the fact by the agent of the new owners, and requested to confer with him as to tenancy of the additional space which the school was using for lecture rooms.

Somewhat disturbed over this new development, I met the agent and talked over the situation. A few days later I received notice from him of a considerable increase in our rental. I was naturally very indignant at what I considered a hold up, and I retorted by threatening to remove from the building. But he evidently considered my threat empty words, perhaps shrewdly believing that I could not secure adequate quarters in any other desirable location, especially during the school year.

Prior to this break with the agent I had been well satisfied with the school home, for it is one of my characteristics to look on the bright side of any situation in which I find myself. But now that this trouble had arisen, I could see a dozen reasons why I should remove the school to better quarters.

Fortunately for me an organization that had occupied considerable space in Tremont Temple was about to remove to the newly completed Ford Building after the termination of a long lease. The rental of the place would be considerably in excess even of the increased rental at 53 Tremont Street; but I could

THE EDUCATIONAL OCTOPUS

easily see that the superior accommodations and surroundings might fully justify the change.

It was a matter of extreme regret to me however that just as the school was getting onto its feet financially it should again be thrown into monetary difficulties. I could readily foresee that the revenue for the year, slightly in excess of \$3500, would be inadequate for the school needs; especially if we removed to Tremont Temple, with a heavy rental during the summer months. Such removal also involved a considerable outlay for furniture, books and book cases, for we had been having the use of Mr. Stone's law library and furniture, and naturally could not take his property with us to Tremont Temple.

I have previously mentioned two loans from Mr. Frost of \$200 each made to me in the school's behalf. At the time this difficulty developed I had paid one of them and a part of another. I now paid the second one, and consulted with Mr. Frost as to the advisability of the change.

He met me by appointment at Tremont Temple and we together examined the premises, both of the prospective home and the present one. His decision was heartily in favor of the change, and he asked me for an estimate of the cost of equipment of the new home, which I later gave him, and he loaned me \$500 for that purpose.

So I closed the matter with the Tremont Temple people and, with a great deal of satisfaction, served notice on the agent of the new proprietor of 53 Tremont Street that I should terminate my tenancy on March 1, 1909. We were occupying as tenants at will and one month's notice was sufficient.

Then followed so strenuous a season for me that

MY FIRST LAW WRITING

my law book manuscript was laid aside. I had already been negotiating with Mr. John H. Fahey, now President of the United States Chamber of Commerce, but then publisher of the Boston Traveler, for a voting contest to be conducted by his paper in which scholarships in the Suffolk School of Law were to be offered as premiums.

Mr. Fahey went about the matter cautiously, but I convinced him of the merits of my school, and on February 24th, 1909, a formal contract was signed, under the terms of which six scholarships were to be awarded by the Traveler to the successful contestants.

The Traveler had already begun a series of articles descriptive of the school. Our contemplated removal to larger quarters was now worked up to the best advantage in the columns of the Traveler.

At this time, also, I decided to institute a loan library of case books for the use of the students, and the first announcement of the plan was made by the Traveler.

It will be remembered in July, 1908, Roland E. Brown of the Junior Class had passed the bar examinations and thereby won great credit for the school. The next examination was held in January 1909, and in this examination also a Suffolk man was successful—Carl Collar, then in his senior year. Thus, out of a class of five seniors, (for that is all that now survived of the original number), two were already members of the bar. The Traveler gave the school a splendid write-up on this latest achievement.

The scholarship contest opened March 1, 1909, and ran for two months with about fifty young men as contestants. The advertising value to the school of this contest was incalculable, but no doubt a matter of extreme concern to the other schools.

THE EDUCATIONAL OCTOPUS

As I look back upon it now I consider the Traveler contest to have been one of the greatest strokes of success that I had won up to that time. When the contest opened the school was practically unknown; but after the two months' contest it was known to every reader of the Traveler.

The immediate effect of the contest was, however, disappointing to me. Very few of the unsuccessful candidates ever entered the school, doubtless feeling aggrieved because of their failure. Another result was to alarm the Octopus and awaken the rival schools to hostile action more or less concerted, but after all, this was bound to come as soon as the school had reached a degree of prominence in the public eye.

HOSTILITY OF BOSTON UNIVERSITY

CHAPTER XXIII.

Hostility of Boston University.

The first evidence of hostility was manifested by Boston University, my Alma Mater. Because in later years, during the legislative contest, classmates of mine from the law school who were members of the legislature and who fought viciously to kill the Suffolk Law School Charter, falsely charged me with ingratitude to my Alma Mater, I shall here for the first time set forth the facts:

No graduate of Boston University could have been more loyal than was I for several years after my graduation. The teachers in the law department were, many of them, very firm friends of mine and the most cordial relations existed between us. I was frequently in conference with Secretary Boyd on administrative problems as they arose in my school. I am sure that those in authority at the law school felt that since the Y. M. C. A. Law School was the protege of Harvard Law School (considered by many Boston University graduates to have been encouraged by Harvard for the express purpose of injuring Boston University Law School), so my law school whose founder and all its teachers were Boston University men should be regarded by them with favor.

I had heard more than once the expression "When our own graduates are doing so well it reflects honor

THE EDUCATIONAL OCTOPUS

upon the University, and we at the law school ought to give them the glad hand." For these sentiments and for the active interest in my school manifested by Dean Bigelow, Secretary Boyd and Professor Boyd, I felt a warm sense of gratitude and was willing to further the interests of the University even at the expense of my own institution. As an evidence of that I will offer portions of a long letter which I wrote to Dean Bigelow January 7th, 1908.

Dear Dr. Bigelow :—

Since our interview of Saturday, I have been thinking very seriously of the suggestions you made in regard to sending our men who desire academic degrees to the Boston University School of Law for their final training. If we can come to some understanding as to the credit that such men will be given for subjects taken in the Suffolk School of Law I think we may be able to arrange other details. * * *

If your Faculty would allow students who have passed examinations in a course in this school with a mark of 80 or 85 per cent to enter B. U. Law School for advanced standing without examinations on such subject or subjects, it would be an inspiration to a student here to put forth his best efforts. If in certain subjects he did not attain that mark, he should be required to take examinations at your school in the regular examinations on that subject. Many students who cannot afford to take a three year course at B. U. Law School could manage to take their final year there. * * * Of course your Faculty would naturally desire to know what training a prospective candidate for a degree might be getting in this school. Perhaps an advisory board, composed of yourself, Secretary Boyd and Professor Boyd * * * might solve

HOSTILITY OF BOSTON UNIVERSITY

the difficulty, and you could keep in touch with just what is being done here without any additional burden of administration being imposed upon you. * * * Some law schools, as you know, have evening departments, but with this arrangement your school would secure all the advantages to be obtained therefrom, without any of its resulting disadvantages. * * * I trust that we can form some sort of an alliance.

Sincerely yours,

(Signed) GLEASON L. ARCHER.

I was later informed that the Trustees would not agree to such an arrangement. But the interest and good will of the law department is evidenced by the fact that the very "advisory board" advocated by the letter was shortly afterward formed (as has been noted in an earlier chapter).

At the time the Traveler Scholarship Contest opened, March 1909, this "advisory council" was still in operation. About March 8th, 1909, I called at the college department to see Professor Black who was to speak at our Dedication Exercises. While waiting for him, I got into conversation with one of the officials of the college.

He had already noticed the Scholarship contest, for it had been running now for ten days, and his attitude was particularly cold and hostile.

"What kind of a deal have you got on with the Traveler?" he asked me in a manner which I resented, and I made no pretence of concealing my resentment. But his next question was even more astonishing.

"Wasn't the Y. M. C. A. Law School doing the thing well enough without your butting into the field?"

THE EDUCATIONAL OCTOPUS

My acquaintance with this man while I was a student in college had never been anything but slight, for he was not then an executive officer. But while in the law school he had urged me to complete my college course, which for financial reasons I was unable to do. This was my first meeting with him since that date.

But at his allusion to the Y. M. C. A. Law School, and his evident partisanship in the matter (I did not then know that he was affiliated with the organization, nor realize that the University with its devout Methodist Trustees would consider my rivalry with an organization of the Young Men's Christian Association as an attack upon religion itself) I replied with some show of spirit that my school had the most cordial approval of those who were in position to judge its merits—the Dean, Secretary and professors of the law department of Boston University. I gave him a catalogue of the school and left his office. I have never stepped over the threshold of the college department of Boston University since.

It will be remembered that this interview occurred on March 8th, 1909. One week later, March 15th, 1909, I received the following self-explanatory letter from Dean Bigelow.

Boston University Law School, Ashburton Place,
Office of the Dean, March 15, 1909.

My Dear Archer,—

Certain friends of the University are sensitive to my appearing to take any part between the two Evening Law Schools, or appearing in any way in connection with either of them. Will you please therefore drop my name at the close of the current year?

HOSTILITY OF BOSTON UNIVERSITY

You will understand of course that this does not import any want of confidence in you and your associates; it only means that the part for me to take is one of perfect neutrality.

Yours very truly,

(Signed) Melville M. Bigelow.

I at once waited upon Secretary Boyd, and I do not think it is a betrayal of confidence to say that I found him in an extremely belligerent mood, not toward me but toward certain high officials of the University. I later learned that they had been at the law school and a merry row had taken place. But those in high authority had prevailed and Dean Bigelow and Secretary Boyd had been forced to withdraw from the advisory council of my school. Professor Boyd had also been notified to quit our board of visitors.

To say that this calamity was a blow to me, is to put it mildly, for I knew that their withdrawal would be interpreted by the public as an evidence of lack of confidence in my school. However, I survived the shock, as I have many another. Later developments in the estrangement between myself and Boston University will be related in connection with other events later in this history. But to return to school affairs.

CHAPTER XXIV.

Removal to Tremont Temple.

The last two weeks of February, 1909, were occupied by many duties having to do with the removal of the school. New floors were laid in the school headquarters. Much of our furniture, being purchased new, was delivered by the dealers at different intervals and the final transfer of the school possessions took place during the spring recess which occurred during the last week in February.

I well remember my last visit to the dismantled offices and lecture rooms at 53 Tremont Street, after the movers had completed their work. It is always a melancholy thing to survey scenes that, from long familiarity, have impressed themselves upon one's life. In these offices the gloomiest and darkest days of my life had been passed, as well as days of success and triumph.

Within six weeks I had passed, because of circumstances suddenly arising, from a state of complete contentment with my surroundings to the actual voluntary severing of all connection with that place; had signed a three-year lease and removed to a building where the rent alone, for the space that I should need, would very nearly equal the gross tuition receipts of the previous year. I wondered if I had made a mistake; and, as I paced the empty corridor, I prayed

REMOVAL TO TREMONT TEMPLE

very earnestly that I might be guided wisely and strengthened for anything that might befall me, so that if the school were thereafter removed from Tremont Temple it might be only because of growth and prosperity of the school and not because of failure.

The admiration and delight of the students when they surveyed the new home of the school opening night of the Spring Term, March 1, 1909, was unbounded. The change from the gloomy, gas lighted rooms at the former home, to the tinted walls, polished oak woodwork and electric illumination of the school's new home was indeed great. Heretofore the men had climbed the stairs to their lecture rooms, but elevators were now the means of transit. In a measure, I was reassured for the risk I had taken.

My office work, because of the scholarship contest, had greatly increased, and I was obliged to engage a stenographer, Miss Mary Hines of Wakefield, who proved to be a very trustworthy and efficient young lady. The change to Tremont Temple and the opening of the loan library, made necessary the employment of a regular librarian. The first librarian was Henry Rossiter Snyder, then a student in the Massachusetts Institute of Technology, but now Paymaster in the United States Navy.

In celebration of our new home, it was resolved to hold a sort of Dedication Exercises, and the date was set for Thursday evening, March 11, 1909. As will be remembered, it was concerning these exercises that I had called at the College Department of Boston University as related in the previous chapter.

The exercises were held in Lorimer Hall and passed off very successfully. Judge Bennett, Mr. Boynton

THE EDUCATIONAL OCTOPUS

and Professor Frank L. Simpson of Boston University Law School followed me as speakers. We had a large and enthusiastic audience.

The month of April was marked by the holding of one of the most successful banquets that the school has ever known. Harvey N. Shepard, Thomas J. Boynton, Arthur W. Dolan, Register of Probate of Suffolk County, Judge Charles M. Bruce and myself, being the speakers.

My address was quite widely quoted, because of a sentiment expressed on the subject of the drinking of liquor at school banquets. I had given orders that no liquor of any kind should be served at the banquet, and in explanation of the order I had said:

"If the only duty of this school were the merely intellectual training of our students, I should not attempt to exercise any censorship over the school banquet. But we believe there is a higher duty than mere intellectual training. We should surround our students with influences that make for ethical development as well. I am aware that this idea is completely lost sight of in some of the largest and most powerful institutions of learning in this country, but nevertheless it does not abate our duty in the slightest degree. Many of these young men have never touched their first glass. Far be it from us to place in their way any temptation; for a banquet is an occasion when it is easy to take that first glass."

As the result of the publicity given these sentiments, unusual at that time—before the present great temperance movement had started, I received many letters of congratulation and commendation for my action.

REMOVAL TO TREMONT TEMPLE

The students accepted the dictum without question; and it is one of my proudest boasts concerning the school, **that no liquor was ever served at a school banquet since the institution was founded.** No doubt the students have found me more or less of a crank on the topic of temperance; for I never miss an opportunity to lecture them upon it and have on different occasions, with very good effect, threatened to expel students for coming into the class with liquor on their breath.

But I firmly believe that one of the chief reasons for the success of the school has been the high standards of conduct as well as of scholarship that we have exacted of our students. If there is one sentiment more than any other that we have constantly impressed upon them, it is that in order to win success a man must first prove himself worthy of success; that vice and immorality are incompatible with high achievement.

CHAPTER XXV.

Y. M. C. A. Ethics.

At about this time I learned that the Board of Bar Examiners were contemplating a change in respect to the period of study required of candidates for admission to the bar. Up to that time, anyone could take the bar examinations, irrespective of his period of study. After a conference with Mr. Bailey, the chairman of the Board of Bar Examiners, I decided to change our school curriculum from a three year to a four year course.

I had already become convinced that a four year course was essential to properly train evening students, but I had difficulty to persuade our students to study even three years, without taking bar examinations. Once the bar examination bee begins to buzz in a student's ear he ceases to be a well balanced student, for he will neglect his regular work to study subjects not yet taken, and sometimes fails in his class work. He is in a state of feverish uncertainty. If he passes the bar before finishing his law study the chances are very strong that he will never complete his course—especially if the school cannot confer degrees, as was the case with my school at that time.

But if he fails in the attempt he never settles down to really good school work again, for he begins immediately another feverish attempt to prepare for the next

Y. M. C. A. ETHICS

examination. So when the Bar Examiners proposed to refuse to examine men who had not studied the equivalent of three full years in a day school, I welcomed the opportunity to lengthen our course to four years, although I realized that it would mean a considerable loss of students.

This change, meaning a loss of revenue in the face of greatly increased school expenses in Tremont Temple made necessary an increase of tuition if the school were to continue. I fully realized that the advance in tuition would also cause a falling off in attendance.

In the 1909-1910 catalogue, which was issued in June, 1909, I announced the new home of the school, the new loan library, the change of tuition to \$60 a year (not applying at all to students then enrolled, for whom the \$45 rate continued) and the four year course of instruction.

If I had been concerned over the outlook for students in the following September, I was more concerned over a new development. The Y. M. C. A. Law School, alarmed at the growth of the Suffolk School of Law, had put over their first great competition "stunt."

Hitherto they had gotten out a blue vest-pocket folder, in lieu of a catalogue, but the catalogues issued by my school caused them to issue a catalogue also. In the back of their catalogue, however, they had a lot of testimonials—patent medicine style—which purported to show the esteem in which the Y. M. C. A. Law School was held in the community.

There were letters from John L. Bates, John D. Long, Louis Brandeis and Samuel J. Elder, indorsing the educational work of the Boston Y. M. C. A., but not one of them referred to the law school. I saw that at once; but I also saw the unworthy deception upon

THE EDUCATIONAL OCTOPUS

prospective students that would surely be practiced by their presence in the law school catalogue under the heading, "Opinions of leading members of the bar."

There were two other letters that did refer to the law school, but one of them was written by one of the teachers in the Y. M. C. A. law school. The other, and the very first one in the list, made my heart sink within me, for it was from Hollis R. Bailey, Chairman of the Board of Bar Examiners, commending their school, and especially advising them to maintain a four year course.

The tremendous value of such seeming partisanship on the part of the Chairman of the Examining Board was at once manifest, for my own students began to murmur bitterly that Mr. Bailey ought not to take sides between the two schools. There was a clause in his letter which could be construed as a slap at the Suffolk School of Law. I learned from my own students that friends of theirs, who had intended to come to the Suffolk School of Law in the fall, were going to the Y. M. C. A. because they wanted to pass the bar examinations and could not afford to antagonize Mr. Bailey by going to any other evening school.

Had I known Mr. Bailey as well then as I did later, I should have blocked the Y. M. C. A. by going to him directly with the matter.

In order that the reader may see at this point what an extraordinary method of competition the Y. M. C. A. Law School authorities were employing, I will state that two years later, after I had seen my school dwindle to a total attendance of fifty-five students, I reproached Mr. Bailey for taking sides, and found him totally unaware of the existence of the letter or how it was being used.

Y. M. C. A. ETHICS

He then discovered that he had written it two years before my school was founded, in 1904, when the Y. M. C. A. Law School was trying to secure power to confer degrees. But the pious gentleman who decided to use it in the catalogue accidentally omitted the date, thus making it appear to be a current letter of a partisan nature *of tremendous value as a weapon of competition*. Mr. Bailey thereupon ordered them to discontinue it in their catalogue.

CHAPTER XXVI.

My First Law Book.

The summer of 1909 was not without its triumphs, however. Because of the undoubted influence that the event had upon the survival of the school through all the stormy days that were to come, I shall take time in this connection to relate the circumstances under which my first attempts at law writing bore fruit in the form of my first book. Without this book and those that followed it, and the standing that they gave me and my school, we could never have won our legislative fight, especially during the first year.

This book it was that established my reputation more than any of the others; for at the time of the legislative contest it was already being used by the students of Yale Law School, Harvard Law School, Boston University Law, and even in the Y. M. C. A. Law School, much as they hated me and my school, (as one of their graduates in the legislature picturesquely phrased it to me, "I have nothing but praise for your book, but to h— with your school.") So when on the floor of the house, in 1912, my school was attacked as an unknown quantity, whose Dean was an inexperienced "boy," the existence of my books, and the splendid indorsements they had received, became the theme for the winning debate on our side.

I have already related how I began to write the manuscript and finally laid it aside because of the strenuous

MY FIRST LAW BOOK

days of the removal to Tremont Temple, and the beginning of the scholarship contest. But after things had settled down into normal channels I resumed my law writing.

When I had prepared the first few chapters, I saw the futility of attempting to print it by means of a mimeograph, and I knew that the expense of printing it in the ordinary way would be prohibitive. So, with what manuscript I had prepared, and with my outline of the contents of the proposed book, I called upon Little, Brown & Company, then in their old building on Washington Street.

If I remember correctly, it was the late Mr. McIntyre, of the firm, who granted me the first interview. They were all busy at the time, and, while he did not say so, I felt that it was sheer kindness on his part that led him to even listen to me (I was afterward informed by the representative of another publishing house to whom I mentioned that I was preparing a text book, that he was very sure that his house would not care to examine the manuscript), for I was but twenty-eight at the time, and less than three years in practice.

However, his kindly amusement soon gave way to earnest attention. I explained the scope of the work and read him all that seemed necessary to give him an idea of the text. When I had finished, he enquired how soon I could complete the manuscript. I replied that by August I could have it ready, so he requested me to submit the work to him as soon as I had completed it.

Greatly encouraged by this interview, I fell to work with renewed zeal, and, true to my words, submitted the manuscript in August, 1909. I have in my possession the original manuscript from which my stenographer

THE EDUCATIONAL OCTOPUS

typewrote the others. It is interesting to note that I changed the name of the book four times. First it was, "The Young Lawyer's Handbook;" next, "The Young Lawyer's Guide;" then I wrote again on the title page, "Beginnings of Practice;" finally, to cross that out also and to write, "Law Office and Court Procedure," under which title the book exists today.

After some delay I received a letter from the publishers, dated August 31st, 1909, from which I quote in part:

"We have made an estimate of the cost of setting type and manufacturing of your work 'Law Office and Court Procedure' and have given the whole matter careful consideration and have consulted with assistants in our law department.

"We regret to state that, taking into consideration the large expense of the work, we feel that we should be able to count upon a general sale throughout the country unless the work is to be published at a loss. Feeling as we do, we are compelled to conclude that we cannot make a proposition which would entail our bearing the whole cost of manufacture and publication. If you felt that you could assume the cost of setting the type and making the plates, we would be willing to pay for paper, presswork, binding, selling and distributing, and press copies, and pay you a royalty upon copies sold, but we cannot see our way to making a more liberal proposition. Should this meet with favor we can write you as to estimate and royalty.

"The fact that you stated that you hoped the book could be sold for a low price influences us to some extent, but not wholly in the conclusion reached. The only books that can be sold at a low price are books which are likely to have a large sale; and we are unable to think that this would be the case with the book under

MY FIRST LAW BOOK

consideration. We will hold the manuscript until we hear from you."

All the happy dreams that I had entertained over writing the word "Archer" across the back of a law book vanished instantly. My disappointment was extreme, for I had put a great deal of labor into the venture and spoiled my summer vacation into the bargain.

I called at the publisher's office and learned that I would have to put up five or six hundred dollars in order to get the book published, which in my financial condition was a sheer impossibility. I went home by the first train, resolved to forget that I had ever been so unwise as to try to write a book.

Two months before I had moved from Alpine Street, Roxbury, to Mishawan Road, Woburn, largely for the sake of my young son who had been very sickly in the city. I had been so deeply engrossed in my law writing that I had had little time to enjoy the country; and this sudden shipwreck of my plans would at least give me a few days vacation.

But hope dies hard. Within three days of this first defeat, I wrote to the publishers offering to purchase every copy of a reasonable sized first issue that was left on their hands after a certain time, for I could use the books in my school. I suggested also that I might cut down the size of the book, by omitting some of the illustrative material in the work.

On September 8th the publishers sent me the manuscript for revision, together with a letter which stated, "Taking into account the changes you have in mind, we do not think there is any doubt but that we shall be able to arrange with you for the publication of the book, bearing the entire cost ourselves. We send you the manuscript herewith, and will be much obliged if you

THE EDUCATIONAL OCTOPUS

will let us know how long it will be before you can place it in our hands."

Needless to say this letter made me as happy as the former one had made me sad. Before the opening of the Fall Term I had delivered the revised manuscript. It may be of interest to the many students of the Suffolk Law School, past and present, who have taken Pleading and Practice under Webster A. Chandler (a splendid teacher, but a most pessimistic correcter of examination books) to know that Mr. Chandler examined the manuscript of "Law Office & Court Procedure" and it fared like some of the examination books they have written, received a very low mark. However, I didn't tell the publishers what Mr. Chandler thought of the book. The royalty contract was signed October 16, 1909 and the book came from the press January 15, 1910.

A source of great satisfaction to me was that, although the publishers had gotten out all the copies they dared in the first issue (fearing that they would be years in disposing of the lot) yet the sale was so far beyond their expectation that within six months they were obliged to get out a second issue of the book. With the exception of Wigmore's Pocket Code of Evidence, it proved to be Little Brown & Co.'s best selling law book of the year.

A YEAR OF TRIBULATIONS

CHAPTER XXVII.

A Year of Tribulations.

It was a matter of regret to me that the announcement of the publication of my book could not have been made before the opening of the school, September 27, 1909. I realized only too keenly the havoc that the Bailey letter in the Y. M. C. A. Law School catalogue was playing with my plans, and every counteracting influence was imperatively needed. Had it not been for the fact that another man, Frank Daly, had duplicated Brown's record of the previous year, in passing the bar examinations after but two years of study, and some other students who had studied three years were successful in the same examination, it is hard to say what would have been the size of the entering class.

By a peculiar turn of fate, Dame Nature herself took a hand against the school and dealt us a terrific blow by staging a rainstorm for opening week of the school. It had been our experience that we gained more men from the visitors who attended opening evening than in any other way. I had therefore sent out the usual invitations to the men on our mailing list, but all during the afternoon and evening of opening day the rain descended in such torrents that only the most hardy of our registered students braved the storm.

I was appalled at the prospect, for I had figured out the number of new students necessary to meet the heavy

THE EDUCATIONAL OCTOPUS

additional expenses of the school. I saw that instead of an increase over the previous year's attendance, there was likely to be an *actual decrease*. With a heavy heart, I faced the Freshmen that evening. But I preserved a smiling and confident attitude until the exercises of the evening were over.

Once alone in my office, with nothing especial to do until time to take the 10.30 train for home, I figured up the total attendance of the evening from the reports of the other instructors. How I was to pilot the school through the financial breakers ahead was more than I could see. Completely worn out by the day and its culmination, I dropped my face onto my arms and gave way to momentary despair.

It was still raining the next day. Hoping that I could yet stem the tide of defeat, I sent out new invitations to the men on my mailing list, but with little effect.

The highest attendance during the year of 1909-1910 was 107 tuition paying students, with a number of additional men who were receiving scholarship aid; but that number dwindled through desertions to the Y. M. C. A. Law School, and otherwise, until the attendance dropped to about seventy students. One new instructor was added to the teaching staff during this year, Thomas R. P. Gibb, who teaches Equity.

The only bright spot in this school year was the publication of my new book, "Law Office & Court Procedure." But the school work went on with unremitting zeal, my brother Hiram proving a staunch and dependable assistant, teaching four subjects throughout this critical year.

It soon became evident to me that the enemies of the school were intent upon its complete ruin; and the plan of campaign which they adopted in the winter of 1910

A YEAR OF TRIBULATIONS

came perilously near annihilating the institution. It had been spread broadcast that the four year rule of the bar examiners, adopted the previous year, had been intended as a slap at the Suffolk School of Law. These rumors I had to endure with such patience as I could command.

It was also current belief among evening students that the Y. M. C. A. Law School had "a pull" with the bar examiners; that to attend the Y. M. C. A. was a certain appeal for their favor. In proof of this was cited the Bailey letter, and also the fact that Mr. Bailey was listed in the Y. M. C. A. catalogue as a special lecturer in the school. Whether he was ever a teacher in the Y. M. C. A. Law School Mr. Bailey can best answer; but he has been so listed in Y. M. C. A. catalogues up to the year 1914.

But in March, 1910 the Bar Examiners passed a new regulation requiring all candidates for the bar examination to be graduates of an approved high school, or to pass the entrance examinations to the State Normal Schools. To my consternation the bar examiners shortly afterward ruled *that graduates of the Evening High Schools of Boston were not eligible* to take the bar examinations, but that graduates of the Y. M. C. A. Evening High School *were eligible*, and the Y. M. C. A. High School was the only evening school *to be listed as an approved school*. The manifest unfairness in discriminating against the free public schools in favor of the Y. M. C. A. School, which was not free but charged a considerable tuition, was now seized upon as conclusive evidence that the Y. M. C. A. did have a "pull" with the bar examiners.

The effect upon my students was demoralizing in the extreme. Many students left the school and a sullen discontent pervaded every class. I tried to stem the tide

THE EDUCATIONAL OCTOPUS

by announcing that the Suffolk School of Law would institute a summer preparatory department to train men for the Normal school examinations. This undoubtedly reassured many of the students; but there was an unruly element in some of the classes that grew more and more troublesome.

A STUDENT REVOLT

CHAPTER XXVIII.

A Student Revolt.

The trouble came to a head at about the time of the annual school banquet. This had always been the great event of the year, the students turning out in a body. But this year, although a large proportion of the students then in the school had spoken for banquet tickets, the discontented ones with the others, yet they treated me to a rude surprise. Only a few of the faithful students put in an appearance at the banquet, making the school look ridiculously small in the eyes of our guests and the reporters who were present.

My disappointment and mortification at the affair would never have been translated into action had it not been for the events of the following evening at the school. I then found that a great deal of exultation was being indulged in by a certain clique of students. Hints were openly conveyed that the whole affair was deliberately planned to humiliate me.

One of the very men whom I by that time knew to be a fomentor of discontent, met me in the corridor and openly indulged in some witticism over the banquet fiasco, and remarked that there were too many "sore-heads" in the school. I retorted sternly that he was absolutely correct in his statement, and informed him that there would be fewer of that variety in the school in a very short time. I glared him in the eye meaningly, and walked on to my office.

THE EDUCATIONAL OCTOPUS

I later observed that the man was in earnest consultation with his circle of followers, but I was still uncertain what action to take. The school was evidently seething with suppressed feeling. One of the most faithful of my students came into the office and told me with great indignation that he had heard a certain freshman, who was friendly with the troublemakers, orating in the corridor to his classmates and uttering some very disloyal statements concerning me and the school.

I was dumfounded at the report, for the very man who was accused had been pleading all the year for scholarship aid, and only the previous week I had at my own expense awarded him a half scholarship. The day before I had received a letter from him thanking me most effusively for my kindness. To know him to be such an ingrate roused me to instant action.

I summoned him peremptorily to my office within five minutes from the time he had spoken the words, and while he was still in conference with the instructos. This action evidently spread alarm among them. It certainly alarmed him, for he came to me very pale and concerned. I notified the librarian not to allow anyone to enter my private office, and closed the door.

The culprit at first pleaded innocence, but my information had come from too reliable a source for his denials to count with me, and I forced him to admit his guilt. In punishment I at first sentenced him, not only to a forfeiture of his scholarship, but also ordered him to leave the school forthwith.

But he pleaded so hard for forgiveness and appealed so effectively that I would not "ruin" him, as he expressed it, by expulsion from the school, that I finally relented as to that part of the sentence and promised him he could continue as a student so long as he con-

A STUDENT REVOLT

tinued loyal in all his words and acts. The sequel is that he completed his freshman year; but I have never seen nor heard from him since.

While I was in the midst of this nerve-racking conference my telephone rang, and to my amazement the school librarian was on the line, somewhat out of breath as if having reached it in great hurry. The librarian at that time was John Stinchfield, a college student.

"This is Stinchfield," he said, "I am at the pay station. I hurried downstairs to warn you, for the library is full of men. There is trouble brewing and you will have to be ready for it." He named to me the ringleaders, and the names he gave were the very men whom I suspected.

Mr. Stinchfield's quick wit in leaving the library and notifying me by telephone of the insurrection was a very considerable service to me at the time. Had I dismissed the culprit through the library and been treated to the surprise of meeting the hostile array without preparation, it would have been a very difficult situation indeed.

As it was, I dismissed the culprit through my private door to the corridor and stepped into the library and confronted the assembled students, about twenty-five in number.

They looked at one another uneasily, for I said nothing, standing rigidly with my back to the closed door of my office, waiting for them to speak. Some one of the men informed me that they wanted to see me—to talk with me on an important matter.

I replied, "I am ready, gentlemen, to hear all your grievances. Go ahead, Mr. ———."

He went on and on. When he paused for breath, I calmly asked if he had anything more to say, or if anyone else had anything to say. They tried in vain to draw me

THE EDUCATIONAL OCTOPUS

into an argument, or to learn what my attitude was on the demands already voiced; but I informed them that I would render my decision after hearing all the arguments. All the time I stood rigidly at attention, narrowly watching the faces of the men and noting all that the spokesmen were voicing, for my attitude had evidently misled them into thoughts of victory.

Their demands were certainly extraordinary. One of their grievances was that I had recently adopted a very effective expedient to secure the payment of tuition. A few days before each instalment of tuition was due I posted on the bulletin board a complete list of students, crossing off the names as the students paid their tuition; the result being that many of the dissatisfied ones, who were notoriously slow in payment of their tuition, had to undergo the humiliation of having everybody in the school know it, instead of its remaining a secret with me as theretofore. They demanded that I discontinue the policy.

Another claim was that, since when they entered the school we were under a three year system, I should therefore give them the fourth year of instruction free of charge. The irony of such a request in the financial crisis the school was in, did not of course appeal to them.

The third demand was that because when they entered the school there was no general educational requirement it was the duty of the school to furnish instruction in our projected preparatory school free of charge. There may have been a few more minor requests which I have now forgotten.

I began mildly by explaining to them a well known principle of the law of contracts, "operation of law of the jurisdiction." that proved untenable both their request for a fourth year of free tuition and also for free

A STUDENT REVOLT

preparatory instruction. This put the "learned counsel" who had conducted the hearing in so absurd a light that I saw that I had detached the main body of their followers.

As for the tuition list, I explained the tribulations I had undergone in trying to collect tuition; and how on several occasions I had been obliged to borrow money to keep the school running, although at the time there were hundreds of dollars due the school from the students. I also informed them that there were men in the room at that moment who owed the school more than forty dollars apiece. I admitted that if we wanted to encourage such a condition as that, the list was very annoying and unfortunate for the gentlemen in question.

In closing my remarks I bore down pretty heavily on the ringleaders of the trouble, and pointed out their disloyalty and the trouble they had caused. I informed them that it was not the first time that students had attempted to run the Suffolk School of Law, but that I had learned a way to deal with such men; that there were at least three men in the room who were very likely to be expelled from the school.

The consternation and silence that fell upon the assembly was almost painful. I dismissed the meeting by assuring the men that I had no personal grievance against any one of them. My contemplated action proceeded purely from what I considered to be my duty to the school; that even then I was not sure of what my final action would be, for I would think it over until morning.

The next morning, however, I was still of the same mind, and I wrote a letter of expulsion to each of the three men. This action roused a tempest that shook the

THE EDUCATIONAL OCTOPUS

school to its foundations. The expelled students did picket duty for several weeks near the downstairs entrance of the school, denouncing me as a tyrant to all who would listen.

But an even more serious consequence resulted, for they made a race issue of it, owing to the fact that all three of the expelled students were of the same race. Every student of that race with two exceptions deserted the school and went either to the Y. M. C. A. Law School or to Mr. Innes.

The race issue was farthest from my thoughts, although I was perfectly well aware that to expel the leaders of so formidable an insurrection would raise a tremendous disturbance. I took the step as a matter of principle, foreseeing grave consequences, but convinced that the ultimate salvation of the school depended upon it.

More than five years have passed since then, and I have never had another insurrection of evening students to deal with.

CHAPTER XXIX.

My Second Law Book.

Accustomed though I was to adversity from my childhood up, the winter of 1910 with its haunting nightmare of financial difficulties oppressed me greatly. Try as I did to forecast a brighter year for 1910 and 1911, I was obliged to confess to myself that the likelihood was very great that severer trials awaited me. I had given up my law practice, and the royalty on my book was the only source of income.

A fragmentary diary that I left in those days tells of my vain endeavor to earn money by writing fiction. I wrote a novel which went the rounds of the publishers and returned to me after many days. I wrote many short stories, and sold one of them.

But an event occurred in April 1910, that resulted in the writing of my second law book. I have already spoken of Mr. Boynton's engagement as teacher of Legal Ethics. Now in April 1910, his lectures were scheduled, but owing to pressure of his law practice he was unable to give them.

In the extremity, I undertook to prepare a course on Legal Ethics and lecture in Mr. Boynton's stead. But in looking around for a text book I could not find one in Boston; nor that any such text book existed. I appealed to Little, Brown & Company, but their law department could not help me out.

The only thing that I could find on the subject was

THE EDUCATIONAL OCTOPUS

the recently adopted canon of Ethics of the American Bar Association. My diary explains the incidents leading to the writing of my second book quite fully, and I shall therefore copy some entries verbatim.

"Monday, April 11, 1910.

"Today while at work upon a projected course in Legal Ethics and finding no books on the subject, the thought came to me that there might be a need for such a book. As a preliminary investigation of the possibility of writing a book I made note of a large number of topics that might be used, taking the canon of ethics as a basis. When I had satisfied myself that there was quite an extensive field for work I telephoned to Mr. Voorhees of Little, Brown & Company. He was not in, so, as an afterthought, I talked with Mr. McIntyre of the firm. He expressed himself as interested and asked me to call and talk it over. In the evening after my lecture (in Torts) I worked some before going home in arranging the material I had collected."

"Tuesday, April 12, 1910.

"During the forenoon, completed the outline of the law book, to be written in fifteen chapters. At 3.00 in the afternoon called on Mr. McIntyre at Little, Brown & Co.'s offices. He called Mr. Voorhees and we three went into the consultation parlor and held a session behind closed doors. I explained the project and read the outline of the first six chapters. Mr. M. then told me that it was unnecessary to go farther—they wanted the book as soon as I could write it and would suit me on terms, etc. The price and title of the book were discussed—price to be \$3.00, title uncertain. After lecture in contracts (in the evening) started writing the book, doing only the first paragraph."

MY SECOND LAW BOOK

It should be noted that the student insurrection came directly after that—during the same week. The next reference I find to the book is under date of April 18th when I wrote.

“Thought of a title for the book that suits me better than any other—‘Ethical Obligations of the Lawyer.’”

I completed the first chapter April 19th; second chapter April 26th, and from that time forward progressed speedily, finishing the book on July 6th, 1910. It thus occupied me eighty-five days from start to finish. While I can now discern many crudities in the book and various things that I will change in the next edition, yet when it was published it received high praise from some of the leading law magazines of the country.

The book was accepted by Little, Brown & Company, July 26, and published November 17, 1910. I had thus won the honor of having two law books published in the same year by one of the leading firms of law publishers in America. Not only that, but there were only three new law books gotten out by Little, Brown & Co. in 1910, two of them from my pen.

One of the press items at that time was as follows:

DEAN ARCHER HONORED AS AUTHOR.

“Dean Archer of the Suffolk School of Law, has been honored by having his portrait used as the cover of the October Law Book Bulletin of a publishing house.

This place of honor is reserved for their most successful authors. The title of the Dean’s new book is “Ethical Obligations of the Lawyer.”—Boston Record, September 24, 1910.

THE EDUCATIONAL OCTOPUS

CHAPTER XXX.

Low Water Mark.

In addition to my labors upon my new law book, I undertook the heavy task of doing all the teaching in the newly inaugurated preparatory department. Three evenings a week, from the last of May to the middle of August, 1910, found me at the school. No law teaching was ever quite so burdensome to me as the teaching I did throughout that hot summer.

Geometry, History and English were the chosen topics, and the men who took the course seemed at first very backward, especially in the subject of Geometry. Before the summer was over I decided that never again would I undertake so heavy a burden as I was then carrying; and I have never done any teaching in the preparatory department since that time.

It was a desperate attempt on my part to prove that men could pass the Normal School Examinations in the subjects named (being a part of the subjects required by the bar examiners) and not be obliged to attend the Y. M. C. A. Evening High School. But all my labors went for naught, as will be seen.

The chairman of the Board of Bar Examiners had told me that he had arranged it with the State Board of Education so that men could go to any of the State Normal Schools for examination. To my dismay I discovered that the Boston Normal School was not

LOW WATER MARK

under State control, and that the nearest Normal School available for our students was in Salem.

Accordingly, after the close of our course, the students who had taken it, (about ten in all), went to Salem for the examinations. I happened to be at the office that morning, and received a rude shock when one of the men called me by telephone and told me that the authorities at the Salem Normal School had refused to examine them, and knew nothing at all about any arrangement with the bar examiners. He announced that the students were on the way back to Boston.

I called up the office of the chairman of the Board of Bar Examiners and learned to my dismay that the Chairman was in Europe and was not expected back until the following month.

I then called up the State Board of Education, but could get no one who knew about the arrangement with the examiners. So I went to their office in person and had my first meeting with Commissioner Snedden. If I remember correctly he knew nothing of the arrangement, it perhaps having been made with the Chairman of the Board of Education.

But Commissioner Snedden agreed that if the men would return to Salem they should be examined. I returned to my office, but only two of the men, as I recall it, would go back to Salem. The rest were full of disgust and indignation at the whole affair, for they had each been to great trouble to get a day off from their employment, and it was now almost noon.

So far as I have ever learned, the two men who took the examinations in Salem that afternoon were never notified whether they passed or failed.

THE EDUCATIONAL OCTOPUS

The bar examiners afterward explained the incident by saying that inasmuch as their rule did not go into effect for about two years they had not considered it likely that any men would desire to take the qualifying tests that summer—hence they had not caused the Normal Schools to be notified.

But my school was the victim, as events amply demonstrated. My students were practically the only ones required to submit to the Normal School Examinations, for the Y. M. C. A. Evening High School certificate was accepted as the equivalent of a day high school diploma.

The inevitable happened, for the belief that was rampant that it was necessary to go to the Y. M. C. A. Law School in order to get recognition from the bar examiners, was seemingly confirmed by this incident. These were in fact test cases and all the students in the Suffolk School of Law were watching the result. There was no excuse that I could offer. I had done my best and the failure of the experiment was so obvious that no one could overlook it.

The Y. M. C. A. Law School authorities were jubilant. Again the rumors were afloat that the Bar Examiners were allied with the rival school, and these rumors became so annoying and persistent that I was finally constrained to secure a signed repudiation of this slander from Chairman Bailey himself, to show to prospective students who openly challenged me on that point.

Another report became current among the students of my school at that time, to the effect that students who attended the Y. M. C. A. would be slipped through the high school department at the same time,

LOW WATER MARK

upon the payment of certain tuition charges. Whether this was knowingly used upon my students as an inducement for desertion or not, the facts were that there was a quite general desertion from the school, one class alone losing about twenty men.

The effect of this desertion, together with the race issue that had been raised by the students I had expelled the previous April, was demoralizing in the extreme. Not even the fact that three men who had just completed their Sophomore year in the school were admitted to the Bar in the summer of 1910 (the four-year rule had not yet taken effect) could to any extent counteract these hostile agencies. With ever growing despair I kept vigil in my office waiting for stragglers to come in.

Had it not been for the financial success that "Law Office & Court Procedure" was scoring, and the engrossing duties of proof reading of my new book, it is hard to say how I should have kept from utter despair during the waiting period.

The time came for the opening of the rival school and the weather was perfect—just the sort of weather that I was praying for for the opening night of my own school.

I sent out the usual invitations, but I should have sent life preservers with them, for on opening night the rain was descending in torrents and the gutters were roaring brooks, even worse than the year before.

However, the disappointment was not so keen as on the former occasion, for I had become callous to disappointment. I remember that in riding down the elevator from my office in Tremont Temple to meet the Freshmen in a downstairs hall, I jested grimly with

THE EDUCATIONAL OCTOPUS

the elevator man over how the Y. M. C. A. Law School had a "pull" even with the weather man.

It was a mere handful of bedraggled men that met me—perhaps fifteen to eighteen, in a hall that would hold a hundred men. But I lectured to them to the best of my ability, and the first night of school for the year 1910-1911 became a matter of history.

When I came to figure up the total attendance in all classes I saw that I had left to me a mere remnant of what the school had been—about seventy men in all four classes from whom tuition could be expected, and more than half of them were paying \$45.00 tuition. From these seventy I must expect the usual desertions. The numbers in fact decreased until, during the latter part of the year, there were only fifty-five tuition paying students.

THE RESURRECTION OF HOPE

CHAPTER XXXI.

The Resurrection of Hope.

The time had now come when it seemed to me that optimism was no longer a virtue. I had given more than four years of my life to the school; I had abandoned my law practice; endured every hardship and privation, and I was now a virtual bankrupt, with a school on my hands that I was running at a considerable loss.

In November 1910, a second child was added to my family, a daughter whom we named Marian. Increased expenses brought home to me afresh the handicap under which I was laboring. Could I but cut loose from the school, and devote my entire time to literary pursuits, or resume my law practice, I felt very confident that I could greatly improve my fortunes.

In the school's behalf I had borrowed money to a considerable amount. My total inability to repay that money was a constant source of worryment to me. I could not well overlook the duty that I owed my family, for they were the real victims of my ambition to found a school.

My wife and I often discussed the matter in an earnest attempt to reach some solution of our great problem. But we were agreed that my duty to the

THE EDUCATIONAL OCTOPUS

students who were then attending the school forbade my closing it until the school year was ended; or until I could transfer the school to responsible proprietors. The thought of trying to secure a professorship in some desirable law school was also on my mind.

"Weeping beside the waters of Babylon" never accomplished much in this world. I soon roused myself to make the very most of every opportunity that offered. I resolved that every influence that could possibly be brought to bear for the betterment of the school should be employed.

There is probably no situation in life, however difficult, but has some redeeming feature, if a person will but look for it. And I soon found a redeeming feature about my school—every student now in the school was loyal and true.

I resolved to capitalize that loyalty and, if possible, to build up the school anew on stronger foundations than ever before. To that end I issued a special statement to the students, from which I will quote in part:

"Measured in efficiency of instruction of our students, we are entering upon the best year of the school's existence. The school equipment is more complete; the system of instruction has reached a higher degree of perfection and we have devised an improved method of faculty co-operation, so that we can centralize our efforts to greater advantage. We expect every student to do his best in his work and we propose to do our best for every student.

"If you wish to get the most good out of your school, be loyal to it in word and act. It may not be perfect, for I never knew a school yet that was perfect; but you should bear with us, even as we have to bear

THE RESURRECTION OF HOPE

with you. If you have, or fancy you have, a grievance I ask you to bring it to me.

"We propose to build up the strongest and highest grade evening law school in the United States; and if we make mistakes from time to time we want to know it, so that we can rectify them. I want you one and all to feel that you have an interest in this school, and that the school has a vital interest in you. Let us work together like men who have a community of interest, in a spirit of good fellowship and with a will to accomplish what we have set about."

Desiring if possible, to unite the students in some common object, I encouraged the various classes to unite in the publication of a school magazine or paper, and there was an immediate and enthusiastic response. An editorial board was formed with two representatives from each class.

The fact that our students could not secure law degrees was, as I well knew, a tremendous handicap to the school. I now set at work to obtain if possible an agreement with some other law school whereby our students could obtain advanced standing and secure the degree by a limited period of study at that school.

For some time I had known Dean W. E. Walz of the University of Maine Law School. He had recently written a splendid review of my "Ethical Obligations of the Lawyer." Quite naturally, therefore, I opened negotiations with him to secure an agreement with his school. Much to my delight I succeeded, and announced that result in the first issue of the "Suffolk Law Student," in December, 1910. Under the terms of this agreement, any student of the Suffolk School of Law, who had completed his first three years' work

THE EDUCATIONAL OCTOPUS

in a creditable manner, would be permitted to take his Senior work in the Law School of the University of Maine, and secure his degree; provided he was a high school graduate.

This announcement aroused considerable enthusiasm. But as a matter of fact none of our men ever took advantage of it; for, as will be seen, within a year from that date our school began an aggressive campaign to secure the power to confer degrees in its own right.

CHAPTER XXXII.

An Attempted Consolidation.

One day in December, 1910, a stranger walked into my office and asked me if I could spare him a few minutes of time. He was a Boston lawyer, and my first thought was that he desired to secure an appointment to the faculty; for every year quite a number of lawyers make applications of that nature. But his mission at first surprised and alarmed me.

He declared that he represented certain gentlemen of sound financial backing who proposed to found a new evening law school in Boston—one that should successfully rival the Y. M. C. A. Law School. He stated that he was investigating the situation, and intimated that the schools now in existence in Boston, mine included, would be invited to consolidate with the new venture.

He then suggested that inasmuch as my school seemed to be the most systematically organized and conducted, and already had some reputation in the community, it might be that the movement could centralize about my school; that the new organization could retain the name Suffolk; that I continue as Dean and that the whole affair be made to appear as though the Suffolk School of Law were absorbing the smaller schools, Innes's School and others. He asked me if such a plan would appeal to me. I agreed that it sounded good.

THE EDUCATIONAL OCTOPUS

He enthused somewhat, and described how we would incorporate and put a bill through the legislature for power to confer degrees. Then he wanted to know how much I would sell the school for, but as I was not prepared to set a figure upon it he made an appointment for a second conference and left me.

This new proposition appealed to me very strongly. It seemed to point to a Heaven-sent deliverance from a situation where I was no longer able to personally finance the school. If we were to consolidate and I were to receive a guaranteed salary instead of nothing, with accumulating school debts added to that, it would indeed be a welcome deliverance.

At my next meeting with the gentleman, whom I shall call "the promoter," I named a price for the school, which I figured would be but a modest return for the as yet unrewarded labor I had bestowed upon the institution. He was visibly startled by the price and said that his parties would never think of paying so much.

He "beat about the bush" for some time; but I finally told him that whatever offer were made it would have to be a cash proposition, for I was beginning to suspect that he was insincere. He argued that if I were to be paid out of the school profits as they came in, it would be as much as I could expect. But I did not take kindly to his line of reasoning.

He then proposed that Mr. Innes should be brought into the next conference; and I saw at once that he was merely an emissary from Mr. Innes. But I was willing to see what was afoot from that quarter, so I agreed to the suggestion, and we later met at the promoter's office, December 21st, 1910.

AN ATTEMPTED CONSOLIDATION

The first joint conference was barren of results, but at a subsequent meeting, December 27th, Mr. Innes and I reached a tentative agreement to merge our schools, he paying me a stated sum to equalize our equities. We were to form a corporation and apply for a charter with power to confer degrees. He assured me that he could easily secure the passage of the bill and, from what I had heard of him as a power in Massachusetts politics, I had little doubt of his ability to accomplish the feat. In fact, that was one of the chief inducements that led me to make the tentative agreement to consolidate.

In my diary under date of December 31, 1910 I wrote:

"As I look forward to the new year there are several problems that seem to be impending. The first is the merger of the Suffolk School of Law with the Innes School. As things stand it looks as though this would be successfully accomplished. The second is, whether after the merger we can succeed in procuring the power to grant degrees. The third is whether in incorporating the Suffolk School of Law we should found a day school as well as an evening school."

The next entry in my diary concerning the merger is under date of January 7, 1911:

"Came to town on 7.49 A. M. train to meet Mr. Innes. He failed to appear at scheduled time and it was after 10.30 when he finally came in. We discussed many things, but came to no agreement on the date when he was to pay the cash difference that stands between us. He wishes to wait and allow me to take it from school profits later. I asked for it now. He

THE EDUCATIONAL OCTOPUS

made a further appointment for Monday morning, promising to be on hand early."

"Monday, January 9, 1911.

"Came to town on the morning train (7.49) to meet an appointment with Mr. Innes. Mr. Innes did not keep his appointment.

"Have suspended all preparations on the incorporation affair and will await developments. If Mr. Innes wishes to do anything he must now take the initiative. I am through; for a failure to pass the bill would be fatal, and unless Mr. Innes takes a hand in real earnest, there is little prospect of doing anything."

But on the following day "the promoter" arranged for another conference with Mr. Innes. We had already partially drafted a bill, to be filed with the legislature some time before Saturday noon, January 14th, for the incorporation of the school with power to confer degrees. But I told Mr. Innes flatly that I would not file such a bill unless he first demonstrated his absolute good faith by paying me the sum agreed upon. Otherwise the failure of the bill would injure my school without the slightest harmful effect to him. My only guaranty that he would really work for the passage of the measure would be that he had something to lose as well as I.

At this conference Mr. Innes gave me written suggestions as to the terms of a consolidation agreement, and promised to have it ready for signature by ten o'clock the next forenoon, at which time he would pay over the amount agreed upon. He requested me to draw up estimates of school expenses for the balance of the year and to compile certain statistics. When we separated, it seemed that the matter was as good as closed.

AN ATTEMPTED CONSOLIDATION

I went to Boston on the early train the next morning, Wednesday, Jan. 11, 1911, and worked nearly all the forenoon on the estimate and statistics; all the while expecting to hear from Mr. Innes. But he failed to put in appearance. I was thoroughly disgusted with the whole consolidation affair, for I have always made it a rule of life to keep my word with punctillious exactness, never missing an appointment if it was physically possible to keep it. For that reason, perhaps, I have always lost faith in a man's dependability if he manifested light regard for his promise, even in such a matter as an appointment.

Dismissing the whole matter from my mind, I turned my attention to a new and alluring task, to be explained more fully in the next chapter, the writing of my third law book.

The day was not to pass, however, without hearing from Mr. Innes. He desired to postpone the matter until the next day.

On the following day I worked steadily on my law book, hearing nothing at all from Mr. Innes. At five o'clock in the afternoon I called up his office and learned, to my consternation, that he had left for New York a short time before and would not return until Monday. My indignation at this treatment was only exceeded by my grim satisfaction that he would not find me the "easy mark" that he evidently expected.

My suspicion at the time was that he fancied me so eager to secure power to confer degrees that I would file a bill in the legislature before the time expired for filing bills on Saturday, and thus be in a fine position to have my school mercilessly slaughtered, and a dangerous rival to his own school thus effectively disposed of.

THE EDUCATIONAL OCTOPUS

But I had had the experience once in my childhood of being led up to a bee-hive by a designing companion and being most decidedly stung. The lesson of caution that it taught me had remained with me forever after.

However, I may have misjudged Mr. Innes. But that the whole affair was prompted by covetous designs upon my school is too obvious for comment.

It had one momentous result. He had unwittingly rendered me a great service, for the germ of the idea that later took form in our aggressive campaign in the legislature had been sown in my mind; there to remain dormant for some months until in the natural course of events it should rise up and bear fruit.

As I look upon the negotiations from this distance of time it seems to me merely another manifestation of that over-ruling Providence that has many times in my life turned me aside from a mistaken course of action, and gradually forced me to that course that was wisest and best. It would have been a mistake to have attempted to secure power to confer degrees for a privately-owned institution. Even though we had secured the charter, I very much doubt if two men with such differing ideas of teaching, or with such differing ideals of life as I now know us to possess, could long have continued in the harmonious relation essential to the progress of the school.

It may be that all the hardships and trials through which I had passed, and the very competition of the Y. M. C. A. Law School, all had their proper share in forcing me into the seemingly desperate attempt to secure a charter which has resulted so gloriously to the Suffolk Law School. Unconsciously, I was paving the way for victory when poverty forced me to extra

AN ATTEMPTED CONSOLIDATION

endeavors in writing law books, for without the reputation acquired through them, the fight could never have been won in the face of such powerful opposition.

THE EDUCATIONAL OCTOPUS

CHAPTER XXXIII.

The Winter of 1911.

The origin of my book on Contracts is thus told in my diary under date of December 31, 1910.

"For some time I have thought that a few years hence I would venture into the field of substantive law and write on 'Contracts,' 'Agency,' etc., for clear, concise text books on these subjects are needed. But I have not until today entertained any thought of immediate writing upon either subject.

"Today, at 11:00 A. M., as I was going to Little, Brown & Co.'s on business, and had just passed the State House on Beacon Street, the thought sprang into my mind of asking Mr. McIntyre of the firm, should I see him, if in his opinion, there was a field for a book on 'Contracts.'

"The opportunity presented itself and I asked the question. He promised to report to me shortly. As I was leaving the building a momentary regret at what I had done came into my mind. I felt that I had 'put my foot into it,' for it occurred to me that I would not care to write the book now if they should chance to desire it. But every hour since then my enthusiasm has increased, and if they will take such a book, I will begin its preparation immediately."

On January 3, 1911, I began writing on the book, finishing the second chapter that week. It will be remembered that at this time I was in negotiation with

THE WINTER OF 1911

Mr. Innes, but after those negotiations were broken off, I fell to work upon the book with great zeal. Between Monday, January 16, and Saturday night, January 21, I wrote ninety-seven pages of manuscript.

I completed the book March 16, 1911, having occupied fifty-three days in actual composition, out of seventy-two days from start to finish. In manuscript, the book contained five hundred and fourteen pages. My two most productive days were February 9th and March 6th, having written twenty-one pages each day.

The book was published, not in Boston, as I had originally planned, but by a publishing house in Chicago, coming from the press in October, 1911.

It must not be supposed, however, that my time during the winter of 1911 was entirely engrossed with literary work and school duties, for the ever present knowledge of the desperate straits into which the school had drifted hung over me like a nightmare.

If I could then have sold the school to any responsible parties for a sum sufficient to cancel the debts that I had incurred in the school's behalf, it is more than probable that I would have done so, irrespective of the years of unrewarded labor that I had already bestowed upon it.

I did, in fact, offer to sell a half interest in the school to several different lawyers of my acquaintance, at an absurdly low figure, but fortunately without result.

There was one thing clearly apparent to me all along—that power to confer law degrees was imperatively necessary if the school were ever to become a success. Despairing of securing assistance from individuals, I turned my attention to what seemed to be a last hope—affiliation with a certain nearby college that had recently developed into a university, with several professional schools, but with no law department.

THE EDUCATIONAL OCTOPUS

I interviewed the President of the university and offered to turn over my school to the university as a nucleus around which to build a day and evening law school. Such a school would be able to confer degrees without special legislation, the power being inherent in the charter of the university.

Although my proposal found cordial approval with the President, it was, after some weeks, definitely rejected by the trustees—some of whom were opposed to a law department, whether day or evening.

The temporary encouragement afforded by these negotiations was of great value to me. It led me to a clearer view of the whole situation, and impressed upon me the value that a day department would possess if run in conjunction with our evening school.

I was aware that many students feel a sensitiveness about having it known that they are evening students. If the Suffolk School of Law had both day and evening departments, the effect would be greatly to strengthen the evening school, for a man could then feel that the public could not label him as an evening student merely because he hailed from our school. I reasoned, therefore, that even though we could not confer degrees, this new feature would prove a counter stroke against the Y. M. C. A. Law School.

But there was also another reason for the day department. Already in my consciousness was shaping the resolution to launch a campaign to secure the power to confer degrees. I was well aware of the prejudice that existed among lawyers against the Y. M. C. A. Law School having the right to confer degrees. It was claimed that had the public been aware of what was taking place when the Y. M. C. A. charter was "rail-roaded" through the legislature in 1904, the bill would

THE WINTER OF 1911

not have passed. I feared that an attempt to charter another evening law school, with the tremendous opposition that was sure to be encountered, would be disastrous to my school. If we had a day department, I reasoned, it would disarm in a large measure the prejudice against the institution.

At about this time word came to me that Boston University Law School had become in some way cognizant of my negotiations with the university to which I have referred, and that ominous threats were being uttered against me.

While I was in no way influenced by these rumors, yet the fact that the desired enlargement would involve additional expense, raised an insuperable difficulty. The failure of my efforts to sell an interest in the school now seemingly cut off all possibility of enlargement and closed the only avenue of hope.

THE EDUCATIONAL OCTOPUS

CHAPTER XXXIV.

A New Lease of Life.

Bankruptcy and the dissolution of the school were the somber prospects before me on the first day of March, 1911. I felt that I had done my utmost. I had fought a long uphill fight, and had at length been overborne in the contest. The school must be disbanded in May, unless a Heaven-sent deliverance intervened.

With great reluctance to acknowledge my defeat, I went to Mr. Frost and told him all. There were two possible courses to be pursued, I assured him: I could disband the school in May and definitely resume my law practice; or I could try it out for one more year, with a day department and an appeal to the legislature for a charter authorizing the conferring of law degrees upon our graduates.

Whether Mr. Frost believed at that time in the eventual success of the school; or whether his advice was prompted by a desire to save me from the heavy blow of dissolution of the school, I have never been able to determine—but he advised the second course, and offered to make me an additional loan of \$500 for that purpose, although the previous \$500 loan was still unpaid.

As I look upon it now, that interview was the great and crucial moment in the history of the Suffolk Law School. Had Mr. Frost done what the ordinary business man would have done, the school would doubtless

A NEW LEASE OF LIFE

have closed for all time in May, 1911; but he was not the ordinary business man, and the school passed through the crisis in safety.

With new strength and courage I flung myself into the task of reorganization of the school. The first step was to incorporate as a charitable educational institution under the general law. The agreement of association was signed March 10, 1911, and the charter was shortly after granted to the following incorporators: Gleason L. Archer, Thomas J. Boynton, John A. Bennett, Wilmot R. Evans, Jr., Sumner Robinson, Arthur W. MacLean, and Webster A. Chandler.

Definite plans for the organization of the day school now went forward rapidly, in spite of the fact that one of the officials of Boston University Law School informed me that, if I started a day school, the University would retaliate by opening an evening school that would, as he expressed it, "wipe the Suffolk Law School off the map."

It may be of interest to quote from a letter which I wrote to the Dean of the Boston University Law School at that time: "The University authorities would continue for five years to repulse and ignore me, and then when I had matured plans that might possibly conflict with their interests they say 'Archer is an ingrate. He doesn't appreciate what we have done for him.' I do appreciate what the university did for me when I was a student, but I do not appreciate the attitude they have adopted since. The university itself and its departments were founded by men who were obliged in so founding to enter into competition with their alma mater. How is our case different? If the University sets out to ruin my school they may speedily succeed. But of course I shall do my best to weather the gale."

THE EDUCATIONAL OCTOPUS

The first public announcement of the new day department was issued May 1, 1911, and the result was very pleasing. Requests for catalogues came in as never before at that period of the year, and I felt that the school had indeed a new lease of life.

CHAPTER XXXV.

The School Votes to Petition the Legislature.

The summer of 1911 was full of interest for me. My new book on Contracts was in the process of publication, with proof sheets to be read, and index and table of contents to prepare, with all the other complications that usually attend the publication of a book. I was keenly interested, as may readily be supposed, in the number of prospective students that might register during the summer.

Despite the call for catalogues, it was not until the latter part of August that the first day student registered. The evening department, however, was far ahead of the previous year's record, and, to use a sporting phrase, "was running strong."

The evening department opened September 25, 1911, with thirty freshmen in attendance, the number later increasing to thirty-six. Small as it was, this class afforded very encouraging evidence of renewed vitality of the school, for it was fifty per cent. larger than the freshman class of the previous year.

If I had entertained any illusions as to the size of the entering class in the day department, these illusions were speedily dissipated, for less than half those who had registered put in appearance on opening day.

We had about five day students, but we resolved to be

THE EDUCATIONAL OCTOPUS

“game” and carry out the regular schedule, irrespective of the size of the class.

The new department had served its purpose in strengthening the evening school. It was doubtless an assurance to the public that the school was prospering, for only the prosperous can be expected to add new departments. It carried the lesson to me anew—we must secure power to confer degrees or disband the school. It was a case of now or never. I began definitely to plan the great contest that has resulted so gloriously to the school.

Before committing myself to any course of action, however, I desired to learn the sentiments of the student body, and ascertain definitely whether they would support me in the contest. I was aware that some of the members of our corporation were adverse to a legislative contest, so it was necessary to be armed with complete information as to what support we could expect from the students before presenting the matter definitely to the trustees.

I caused a petition to the trustees to be circulated in the various classes, calling for a legislative contest for degree granting power. The name of practically every student in the school was speedily enrolled.

After taking counsel with some of my friends as to the best way of getting the matter before the legislature, I decided that an illustrated booklet with photographs of the faculty and representative groups of students would be advisable. The expense of such a booklet was the only objection. A few evenings before the corporation meeting was to be held, I met each class personally and laid the entire matter before them, with an estimate of the expense of advertising, printing and postage incident to the contest.

SCHOOL VOTES TO PETITION LEGISLATURE

The response to my appeal was such as I had never experienced in the history of the school. The great outpouring of loyal support thrilled me to the soul. I vowed then and there never to quit in the fight for the upbuilding of the school.

The students subscribed a fund of one hundred seventy dollars or thereabouts, meeting in full my estimate of the expenses to be incurred. Nor did these subscriptions come from a few students, for the largest subscription was five dollars, and the majority of them were ones and twos, with eighty-two out of our ninety-four students recorded.

Armed with these facts, I met the other members of the corporation on the afternoon of November 17, 1911. Hon. Thomas J. Boynton presided, for he was the official head of the corporation. Six of the seven incorporators were present.

The entire meeting was devoted to the question of the wisdom of instituting a legislative contest. Mr. Boynton and Judge Bennett were not over-enthusiastic at the prospect. But I had taken the precaution of securing the votes of a majority of the board before the meeting began, so I was reasonably sure of the result. I received an affirmative vote; but none of us realized at the time the magnitude of the task that awaited us. The die was cast, and the legislative campaign definitely begun. I returned home that night full of agreeable anticipations, for a task that promises a strenuous battle of wits has never found me lacking in zest for the fray.

CHAPTER XXXVI.

Strengthening the Line-up.

A distinct shock awaited me, when I reached the office next day—Judge Bennett had resigned from the school corporation. Although he had voted for the measure, or at least not opposed it in the corporation meeting, he now decided that his position as a judge precluded him from taking any part, even nominally in a legislative contest.

I immediately visited him at his office, for I realized that without him our corporation would have only two men who were likely to have any weight with the legislature, Messrs. Evans and Boynton. He could not be persuaded to withdraw his resignation, so I resolved to say nothing about it for a few days, until I could arrive at some definite plan to retrieve our loss.

Like other happenings that have filled me with dismay in some crisis of the school's history, this led me to adopt the only course that could have succeeded in the legislative fight—to secure the co-operation of well-known men who had influence with the legislature.

My first thought was to obtain one such man to fill Judge Bennett's place; but I soon realized that our prospects would be greatly enhanced if all the petitioners, aside from myself, were prominent in the public eye.

STRENGTHENING THE LINE-UP

Mr. Evans had recently completed several years in the legislature, having been chairman of Judiciary in the Senate during the previous year, and could therefore advise me what men to seek. Acting upon his suggestion, I interviewed a number of prominent men, the majority of whom turned me down on one pretext or another. It was the latter part of November before the seven petitioners were definitely settled upon.

Hon. Charles W. Bartlett was the first to accept a place on the board. I shall always carry a vivid recollection of my first interview with him. Mr. Evans had secured an appointment for me, and I waited on the General with some trepidation. By reputation I knew him to be a celebrated lawyer, and one who had not long before been Democratic candidate for Governor in an aggressive campaign.

General Bartlett's "bangs" and genial face were famous in the newspapers all over the State. I needed no second glance to know that I was in his presence when I entered his private office. He removed his cigar and shook hands with me, cracked a joke or two, replaced the cigar—lighted it and told me to "fire away."

He sat there, tilted back in his chair, facing me across his flat top desk, and I began my story. He scarcely uttered a word until I had covered the history of the school and my present plan of action.

His cigar had been out for half an hour, but he continued to hold it in his mouth. When I invited him to become a member of the board he began in his slow, droll way to cast up the account as if he were adding a sum, while going over the names of Messrs. Boynton, Evans and Robinson, expressing the value of each in swear words and nods of approval.

THE EDUCATIONAL OCTOPUS

A young lady stenographer entered occasionally, to announce that Mr. So and So was waiting to see him; but each time the General would say, "The Professor and I are having a d—n good time. That feller will have to wait." And wait they did, for there was a goodly array of dark looks that greeted me when I finally emerged from the inner office.

After the General had told me a few stories, he finally came to the point of informing me, in his whimsical way, that once he had enlisted under "Old Abe," and he was going to do it again. A picture of Lincoln was hanging behind me on the wall and, from a fancied resemblance, he had dubbed me "Old Abe." That has been his favorite name for me ever since.

Having secured General Bartlett, there were two other possible vacancies. Former Congressman Joseph F. O'Connell was next on my list, and on the following day, I succeeded in seeing him.

I had met him once before, during the second year of the school, and had at that time told him something of what I was doing. But now that I was inviting him to join our corporation, he manifested no great enthusiasm. Had it not been for General Bartlett's name on the list, I doubt very much if he would have considered it at all. But he promised to give the matter thought for a day or two, and let me know.

Owing to the fact that I had found prominent Democrats to be more approachable than prominent men of my own political faith, I turned naturally to the man who had twice been standard bearer of that party in the State Election—James H. Vahey.

My acquaintance with Mr. Vahey was limited to a single previous meeting; but one or two of his relatives had studied in the school, so he was reasonably

STRENGTHENING THE LINE-UP

familiar with the institution. He was as swift to accept as the others had been slow, for within five minutes he said: "You don't need to plead your case at all, Mr. Archer. Your school is doing good work and I will be glad to become a member of your corporation."

The next day Mr. O'Connell accepted a place on our board, and the list of petitioners was complete.

As I look back upon it now the securing of these three prominent Democrats was a master stroke, for it lined up the whole Democratic vote of the House and Senate. Had we gone to the legislature with the original corporation, the majority of whom were unknown, our contest must have ended in ignominious defeat. Unconsciously I had selected three of the most aggressive warriors that could have been found in the city of Boston. Subsequent events will show how loyally and effectively they supported me in the great legislative contest that was to rage for three years from that date.

THE EDUCATIONAL OCTOPUS

CHAPTER XXXVII.

Enter Joe Parks.

Even before the personnel of our new corporation was complete, I had prepared the material for the illustrated booklet; collected the photographs of the faculty; had various student groups taken and half tones made for our illustrations. Never before in my life had I been so busy, for I was teaching daily in the day school and two evenings a week in the evening department, as well as attending to my regular administrative duties. Preparation for the legislative contest was merely side line work, but it occupied every available moment of day or evening.

At the State House I conducted a careful investigation of the various steps that had been taken in 1904 by the Y. M. C. A. Law School when it secured power to confer degrees. I thereby nearly committed a fatal error.

There is a provision of law in Massachusetts that an educational corporation that desires a charter with power to confer degrees must advertise for three successive weeks in the newspapers, the last advertisement to appear at least fourteen days before the legislature convenes.

The Y. M. C. A. Law School had disregarded this law. Its bill had been introduced very quietly and rushed through the legislature in double quick time. There was nothing in the State House to apprise me

ENTER JOE PARKS

of the statutory requirement; so I went on calmly with my preparations until about the twenty-third of November.

By great good fortune, while looking up a statute in the Revised Laws, I stumbled upon the provision to which I have referred. If I acted quickly there was yet time to comply with the statute. It may be imagined that no time was lost in notifying the State Board of Education, and requesting the designation of newspapers (as the law required). The newspapers designated were the Boston Transcript and the Springfield Republican.

The body of our advertisement, in the form of a petition addressed to the legislature was as follows:

"The undersigned citizens of Boston and vicinity respectfully represent that for some years past there has been maintained in Boston a law school known as the Suffolk School of Law; that the attendance at said school and the work done there has been such as to warrant the incorporation of the said school and the conferring upon it of the power to grant law degrees upon its graduates.

"Wherefore your petitioners pray that the said school be incorporated and may be empowered to grant law degrees, and for such other and further legislation as to the Honorable Senate and House of Representatives may seem meet and proper.

Gleason L. Archer.
Thomas J. Boynton.
Wilmot R. Evans, Jr.
James H. Vahey.
Sumner Robinson.
Charles W. Bartlett.
Joseph F. O'Connell."

THE EDUCATIONAL OCTOPUS

The booklets came from the printer about the middle of December; and, as soon as I could secure an official list of the members of the legislature from the Sergeant-at-Arms, I mailed out a copy of the booklet, together with a catalogue to each member. I also sent out a personal letter to each, calling attention to the printed matter, and inviting the closest inspection of our school.

There were two distinct results that flowed from this letter of mine, the first a hostile response that forecasted the serious nature of the contest that awaited us, and the second, one of those Heaven-sent helpers that have played so conspicuous a part in the history of the Suffolk Law School. I shall treat them in the order in which they occurred.

My circular letter was mailed December 20, 1911, and on December 28, I received a set of nine interrogatories from a member of the House of Representatives, James F. Cavanagh, of the 24th Middlesex District.

In answered these interrogatories in person. Mr. Cavanagh is a very formal young man upon first meeting, something suggestive of an Alpine peak, with frigid dignity that lays about him in chunks. However, I had looked him up before I called and learned that he was a graduate of the Y. M. C. A. Law School who had exchanged his evening degree for a day degree at Boston University, but who had been admitted to the bar only a few months before Roland E. Brown of my school.

Quite naturally, therefore, his surprise of the youth of my enterprise did not disconcert me when it came out in our conversation. He abandoned the topic hastily when I reminded him that only a few months after he was admitted to the bar my first student was admitted. Our conversation was in fact more or less of a verbal

ENTER JOE PARKS

sparring match. While we were both perfectly courteous, his icy hostility put me on my mettle and my replies were far from meek.

One little occurrence in that meeting will sufficiently indicate the nature of our interview. As I rose to go, he said, "By the way, who are you planning to have take charge of your hearing before the legislative committee?"

"Mr. Evans."

Mr. Cavanagh laughed, "Better have him do it next year. You won't need him this year. You can't even file your bill this year."

"Is that so! Will you kindly tell me why I cannot file my bill."

"I am sorry to say to you, Mr. Archer, that a bill such as yours must be advertised in the newspapers, and it is now too late."

It was then my turn to laugh.

"I am sorry to disappoint you, Mr. Cavanagh, but the advertising has been properly attended to. Can it be possible that you haven't read the papers? Better look up the Transcript and Republican."

When I left him he was writing down the dates I had named. While this interview afforded me some satisfaction and gave me an idea of the line of opposition we were likely to encounter, yet I could not account at the time for Mr. Cavanagh's opposition.

The second result from my letter was, as I have intimated, tremendously important to the school, although I did not appreciate its importance at the time. It happened in this way.

On the afternoon of New Year's Day, 1912, I was at my desk in the Dean's office when Robert N. Turner, a lawyer friend of mine came strolling in. Turner is a

THE EDUCATIONAL OCTOPUS

brainy young man of large stature, and a twenty horse-power smile. His smile was lighting up the office and cheering me up strangely when I saw that he was introducing a medium-sized, ruddy-faced man, who proved, when I shook hands with him, to have an even more contagious smile than Turner's own. It was Joseph A. Parks, now of the Industrial Accident Commission, but then a representative from Fall River.

Parks had read my illustrated booklet and catalogue, and while lunching with Turner in Boston, had asked about the school, expressing a desire to study law. Turner had immediately brought him to see me.

My first impression of Mr. Parks was very favorable. I have seldom met a man to whom I was more attracted at first meeting than to this rising young man from the mills. But it was not until I had seen him in action that I appreciated the full measure of the man.

CHAPTER XXXVIII.

The Legislative Contest Opens.

Mr. Parks began his studies at the school immediately, I tutoring him personally at odd moments until the second half year should open. The result was that we rapidly became acquainted, and he in his turn undertook to initiate me into the mysteries of legislation; for he had served eight years in the House of Representatives.

My first experience at the State House was to attend the second inaugural of Governor Foss as a guest of Representative Parks.

Foss was then afflicted with "Presidential fever," and his speech was calculated to take the Nation "by the ears." The affair was well staged and brilliant; but I was glad enough when it was all over, for the great hall was packed to suffocation. It had given me an opportunity, however, to personally meet quite a number of the members of the legislature. It was duly impressed upon me by all that it was quite necessary that I should make the acquaintance of as many as I could, for numbers of them had never heard of the school before.

This was my first view at close range of the Massachusetts Legislature, and my impression was altogether favorable, an impression that three years of close observation has never effaced. To be sure, I met during the three years lobbyists and legislative agents galore; and had opportunity to see something of the hidden influences that are at work in all legislative bodies.

THE EDUCATIONAL OCTOPUS

Of course I had read the statement from no less an authority than the saintly Tom Lawson, that the Massachusetts Legislature "was bought and sold like fish in the market." I never tried to make any such purchases, and, with one or two exceptions, never saw any actual evidence that any member of the legislature was expecting a "hand out" of any sort.

But I was destined to undergo a complete disillusionment concerning the gentlemen that are popularly considered "angels of light" in the legislature, and those who are denounced in the public prints as "Czars and workers of darkness." But more of that anon.

The week following the opening of the legislature was examination week at the school. Our annual mid-year vacation of two weeks succeeded it. Having been assured that no action could be expected on the school charter before the first of February, I settled down to school work and to the pursuit of a new task which I had set myself—the writing of a text book on "Agency."

It may seem to my readers the height of folly for me to have undertaken the writing of another book in the midst of such strenuous days. At this distance of time it does seem even to me to have been foolhardy, yet writing is such an absorbing pastime with me that I probably indulged in it as an agreeable diversion from my many cares.

At any rate, on January 16th, 1912, I was in my study in my home in Woburn, in the midst of the composition of Section 65, "Ratification of simple written contracts," in my present book on "Agency," when my telephone rang. My Boston office was calling and I received the astounding news that a notice had been received through the mail from the clerk of the Committee on Education informing me that the Suffolk Law School bill was

THE LEGISLATIVE CONTEST OPENS

scheduled for a hearing two days hence, January 18th, at 10.00 A. M.

Instant action was necessary if I were to reach the State House in time to see the clerk of the committee. A train left Mishawum Station in twenty minutes. The sentence I had been writing was left unfinished.

I changed my clothes in double quick time and sprinted to the station in season to clamber onto the train as it puffed out from the station. When I reached the State House, I called, in the Representatives' Lobby, for Mr. Parks, and was duly instructed by one of the attendants to fill out a card at a little shelf for that purpose beside the entrance to the House Chamber.

Mr. Parks could not be found by the page, so I called for the clerk of the committee, Mr. Edward T. Morse. He was a dapper little man of sandy complexion, with a mustache to match. He declared that he could not assist me in getting the hearing postponed.

It should be explained, in this connection, that the reason I was so greatly concerned over this early assignment was that Mr. Evans, who was to conduct our hearing, and who understood every phase of legislative procedure, was in Florida on a shooting trip and was not expected back until the following week. I have always suspected that the reason for such a speedy assignment was the fact that the absence of Mr. Evans was well known to some members of the legislature who presently revealed their animosity to the school.

The clerk of the committee expressed himself as being sorrowful at Mr. Evans' absence; but declared that I would have to see the House Chairman, Benjamin F. Haines. Even as we were talking, Mr. Haines appeared in the throng that usually eddies back and forth in the lobby when the House is in session. I was introduced

THE EDUCATIONAL OCTOPUS

to the man who was to play the most conspicuous part in the opposition to our bill.

Mr. Haines was afterward to experience such a change of heart in respect to our bill that he actually fathered the bill in its third and last year, but now he was the "Ben Haines" of the opposition.

Of his opposition I was at the time unaware. He is a dark complexioned young man, with a strong and pleasing countenance, and an air of engaging frankness. He assured me in his turn that the date of our hearing could not possibly be changed.

"You can attend, can't you?"

"Yes, but Mr. Evans has charge of the affair, and I know nothing whatever of legislative procedure."

"That is all right. We want to know a little something about the school. We don't need anybody but you. You can tell us all that is necessary."

Argument was useless. The hearing must take place on January 18th; so I resolved to make the best showing possible. By good fortune I reached Mr. Boynton, and he agreed to introduce the speakers. Mr. O'Connell was in Washington, but General Bartlett and Mr. Vahey promised to attend.

THE OCTOPUS SHOWS ITS HEAD

CHAPTER XXXIX.

The Octopus Shows Its Head.

The morning of the hearing dawned. I was at the State House with a large delegation of students and about ten men who were to speak in behalf of the bill. The hearing room originally assigned was too small to accommodate the crowd, and we adjourned to a larger one on a different floor.

It was a morning of tense anxiety for me, for I feared that some of our speakers might fail to show up. But one by one they appeared, General Bartlett, with a carnation in his buttonhole, being the last, for he had gotten lost in the corridor.

Although I had never met President Lowell of Harvard, yet I was sure that I saw him in the hearing room. I wondered what he was there for, never dreaming that he was the intellectual giant relied upon by the opposition to annihilate us with a word.

There were many strange faces, and an air of expectation pervaded the assembly. I saw Dr. Snedden, the Commissioner of Education, with other complacent "intellectuals" that I rightly divined were from the State Board of Education.

One or two other matters were taken up by the Committee before our bill was reached, a circumstance that enabled me to marshal my array of speakers before the fatal moment.

THE EDUCATIONAL OCTOPUS

But when our bill was reached and House Chairman Haines announced that, as the hour was late, the petitioners would be allowed thirty minutes to present their case, every atom of courage was knocked out of me. We were marked for slaughter, I could see that. A bill to license dogs would be given more time than thirty minutes; but for an educational institution to be limited to that period outraged all my ideas of fairness.

Mr. Boynton was on his feet, however, recounting in his calm tones the history of his connection with the school, and urging upon the committee that so cosmopolitan a population as Boston's needed a school like ours. While he was speaking I recovered from my panic, and stood ready to suggest the next speaker, for he was relying upon me for that. Mr. Vahey now urged that the school deserved the same treatment that had been accorded the Y. M. C. A. Law School by the legislature of 1904, and General Bartlett, who followed him, spoke along the same line.

It was then my turn, and all but five minutes of our allotted time had expired. Fortunately, I had prepared my address in writing, and for that reason could not be cut off as readily by the chairman when my time was up as if I were speaking extemporaneously. So I went on to recount the history of the school and to explain our methods of teaching.

When I had finished, Chairman Haines at once showed where he stood by propounding a long list of hostile questions, much after the Cavanagh interrogatory style. I welcomed this action on his part, for it enabled me to come back with effective answers, every one of which told for our side.

An amusing incident occurred during this questioning. One of the questions could only be answered by refer-

THE OCTOPUS SHOWS ITS HEAD

ence to the school catalogue. I stepped back down the aisle to where I had left my green bag. A man had just taken a Suffolk catalogue from a green bag, and, supposing him to be a student who had anticipated my desire, I took it from him with thanks; only to see as he straightened up in surprise, that it was President Lowell of Harvard.

I restored the catalogue with my apologies, and secured my own green bag from the place to which it had been moved.

The Chairman's questioning, which extended for a period almost equal to the half hour allotted to us, had in reality extended our time, for every new question brought out further favorable evidence for the school. He wound up by passing me typewritten extracts from my book on "Ethical Obligations of the Lawyer" and challenged me to say whether they were from my book.

A great deal of laughter at the chairman's expense was called forth by my cautious reply that I should wish to compare the statements with the book in order to be sure. I explained hastily that I did not mean to reflect upon the chairman's honesty, but my explanation only added to the merriment.

The quotations were totally without reference to page or section; but from my knowledge of the book I located them, and found them to be viciously garbled statements when lifted from their proper context in the book. I called attention to this fact. The House Chairman explained that he knew nothing of it, the paper having been given to him before the hearing.

The opposition to our bill was now called for. There was a hurried consultation between President Lowell and the members of the State Board of Education.

THE EDUCATIONAL OCTOPUS

President Lowell then advanced to the table to speak. For a second time that morning, my hopes came crashing to the ground. With the President of the greatest university in America opposing us, what chance had my little school in the unequal contest?

But as I listened, in a hopeless despair, I noted that his arguments were very weak; that he contradicted himself and seemed to be feeling his way along, like one groping in the dark. So I came back to earth and began to jot down questions to ask the learned gentleman.

He urged that the matter of conferring degrees was of such grave importance that the bill should be referred to the State Board of Education for investigation and report. But a moment later he assured us that a degree had only a sentimental value, and the withholding of it was no hardship to my school.

At this point one of the Committee, Mr. Greenwood, as I recall it, asked him why the school should not have the power, if degrees were empty words. The learned gentleman was somewhat at a loss how to answer him.

Before he had finished, my fears had rolled away, for the "giant" had obviously failed to annihilate us. Then, because I was wholly ignorant of legislative procedure, I did something that I have never seen even attempted since by anyone not a member of the committee. I asked the Senate Chairman, Dr. Ezra Clark, if I might ask the speaker a question.

"Just one," snapped the little doctor in his high pitched voice. I proceeded to ask several. My first was as follows:

"Suppose there are two schools of equal value in the same locality and one can confer degrees and the other

THE OCTOPUS SHOWS ITS HEAD

cannot, will not the one that can confer degrees get the lion's share of students?"

President Lowell admitted that it would. Then I asked him whether or not our charter ought to be granted if we could prove that our school was equal to the Y. M. C. A. Law School. He replied that we would be clearly entitled to our charter if we could prove equality as alleged; an answer that caused great discomfiture to our opponents later on.

The other speaker in opposition was Dean Frank P. Speare, of the Y. M. C. A. Law School, who unintentionally rendered us more assistance than any speaker on our side. One of President Lowell's introductory remarks had been that Harvard was in no way interested in the bill under discussion, because an evening school could not compete with Harvard. I was therefore astonished and delighted to hear Dean Speare declare with evident pride that his school was and always had been under the wing of Harvard; with the Dean of Harvard Law School as president of its corporation.

President Lowell had also urged that since our school had no endowment it could not long survive; but Dean Speare unintentionally demolished that argument when he urged rejection of our measure on the ground that evening law schools had tremendous money making possibilities. Certainly if an institution could be run at a great profit it needed no endowment.

After he had finished, I asked him a few questions that must have been very embarrassing to him; for he was forced to admit that although dean of a law school he had never studied law a day in his life. When I pressed him to explain how he could direct technical instruction in law, he replied that he was not at all troubled, for he was a "Creator of Educational Oppor-

THE EDUCATIONAL OCTOPUS

tunities," an answer so absurd and irrelevant that the hearing broke up in roars of laughter.

VICTORY IN COMMITTEE

CHAPTER XL.

Victory in Committee.

There were eleven members of the Committee on Education, eight representatives and three senators. In my ignorance of legislative matters I had supposed that the committee would now be polled like a jury and the result speedily announced; but I was straightway informed that the contest before the committee had just begun. It was now a question of which side could pledge the greater number of committee votes.

I learned a further thing; that members of the legislature have far more regard for the will of their constituents than for the most logical and convincing of arguments. If a vote of a constituent is to be lost by a certain course of action, the ordinary "statesman" will shun that course. If votes are to be lost either way, then, if he cannot dodge his responsibility, he will vote with what he considers to be the most influential side.

The contest had now centered on the committee. Our opponents were very active, and there were days of suspense when the issue was uncertain.

Needless to say, the students of the Suffolk Law School were keenly alive to the situation and resolved to exert all possible legitimate influence upon the committee.

I procured a splendid letter of indorsement from Herbert Parker, the former Attorney General, and

THE EDUCATIONAL OCTOPUS

mailed a copy to each member of the committee. I also had printed two effective documents, showing up in one the inconsistency of the arguments as to necessity of endowment and the other a frank comparison of the Y. M. C. A. Law School and the Suffolk Law School. These were mailed to the committee.

Unlike the custom as to dealing with a jury into whose hands a law case has been committed, it is considered perfectly proper, under legislative custom, to talk with members of the committee, either before or after a hearing. I remember very well a long conference with Representative Greenwood of the committee, whom I happened to meet on Ashburton Place one morning shortly after the hearing. There were certain things he did not clearly understand about the school, and I explained them to the best of my ability. But when I left him I had no idea which way he would vote.

Reports began to come in however, of a very encouraging nature. Two friends of Mr. Vahey were on the committee, and one of General Bartlett; and each had expressed himself heartily in our favor. There was one socialist member who had been outspoken in our favor from the beginning. Even before the executive meeting of the committee, when the fate of our bill was to be decided, at least five of the committee had declared in our favor.

By this time I had found a very efficient ally, in the State House itself, in the person of Henry C. Berlin, a newspaper reporter who had once been a student in our school, but who had gone to the Y. M. C. A. Law School in order to secure a law degree. Knowing both schools, he was emphatically of the opinion that our

VICTORY IN COMMITTEE

school deserved power to confer degrees. With Mr. Berlin in touch with everything that went on in the State House outside of the legislative assembly, and with Representative Parks in the legislature itself, very little could transpire without my knowledge, as our enemies later found out to their sorrow.

I was at the State House daily, always in constant touch with the progress of the bill. Every school evening I reported to each class and directed attention to this or that object of attack. In a surprisingly short time we had a powerful and well-ordered organization, each man reporting to me what he had learned or accomplished through friends in the district of any given legislator.

It was a full two weeks before the fateful executive meeting of the committee. On the day of the meeting I was at the State House, in the corridor near the committee room, as full of anxiety for the verdict as could be well imagined. One by one I saw members of the committee pass into the room, but, to me, a very long time elapsed before there was any sign of adjournment.

Mr. Berlin was talking with me and assuring me that we would win, when Senator Nason emerged, smiling broadly. We hurried up to him. He congratulated me warmly and announced that the bill had won by a vote of seven to three, Senator Clark not voting.

We had a jubilee at the school that night, for to win in committee so handsomely is usually a sure indication of an easy victory in both branches of the legislature. We were yet to learn the power of the Educational Octopus and its eager allies.

THE EDUCATIONAL OCTOPUS

CHAPTER XLI.

The First Great Debate in the House.

The lineup of the committee had been as follows: for the bill, Senators Arthur L. Nason of Essex and John H. Hunt of Worcester, Representatives J. Herbert Baker of Medfield, Francis M. Cummings of Boston, Fred P. Greenwood of Everett, James A. McElaney of Boston and Charles H. Morrill of Haverhill.

Those recorded against the bill were Representatives Benj. F. Haines of Medford, Edward T. Morse of East Bridgewater and Judson I. Wood of Gardner.

But it will be remembered that the Senate chairman had declined to vote either way, so House Chairman Haines had a free hand in the matter. Representative Greenwood was the ranking member of the delegation who supported the bill and, had precedent been followed, he should have reported the bill to the House.

But with the subtle ingenuity of the man, Haines devised the brilliant scheme of causing the bill to go to the House with a socialistic label; for passing over all others he gave it to Representative Morrill, the only socialist in the legislature, to report. This meant that in case of a debate on the floor of the House, Morrill was to be the official sponsor of the bill.

Now Charles H. Morrill is a splendid type of man,

THE FIRST GREAT DEBATE IN THE HOUSE

sincere and conscientious to a degree. But it was well known to all that the prejudice in the House against his political faith could command more votes in opposition to a measure which he fathered than the most logical of adverse arguments.

This was the opening strategic move of the commander in chief of the opposition. That the opposition was to be conducted on a large scale was soon apparent. It was reported to me that every member of the House and Senate were being systematically lobbied by the opposition. A number of students of the Y. M. C. A. Law School, who were members of the legislature, were reported as especially active.

Representative Parks became alarmed at the outlook for the bill; and, in order to stimulate the activities of our students to bring counter pressure to bear, he spoke at a mass meeting of the students one evening, declaring that never in his legislative experience had he seen more lobbying on a bill than was then going on in opposition to our charter.

Whenever I met Haines in the corridor, or elsewhere, in the State House, he would always greet me with a handshake and a good-natured grin and inquire in a bantering tone for "my champion," meaning Morrill the Socialist; so I was well aware that Morrill would be forced to take the floor in behalf of the bill.

But when the clash came on the floor of the House it raged with a violence that I had never even dreamed possible. All other business was suspended in the legislative session of Thursday, February 8th, 1912, and the first great debate on the school charter was on.

Through the courtesy of Mr. Parks I was seated on the "side lines" at the right of the House floor; for it

THE EDUCATIONAL OCTOPUS

was desirable that I be where I could furnish information or statistics in reply to any attacks from the opposition.

Before our bill was reached, it was obvious even to the unpracticed eye that a great contest was impending. Representatives, whom I knew to be enemies of the school, were moving hurriedly from desk to desk throughout the chamber, whispering in the ear of this man and that; obviously lining up the vote.

I was comforted not a little to see Representative Parks in his place half way across the hall, his face shining with expectation. A large delegation of Suffolk Law School students were in the galleries. Pension Commissioner Richard R. Flynn, then a Freshman, stood in the right hand doorway of the chamber, waiting for the show.

The calendar had been read some time before. It is a legislative custom when a matter is to be debated to cry out "pass" when it is reached in the first reading of the calendar. A perfect roar of "passes" had greeted House Bill 123.

So I knew just when to expect the fight to begin, and my pulses quickened strangely when the speaker called out "The next matter passed over is House Bill 123."

A ringing cry, "Mr. Speaker," rang out, and Haines was given the floor. While I cannot recall the exact words nor all the details of the debate, I do remember the opening challenge and reply.

"Mr. Speaker," cried Haines, in a voice that reached every corner of the great hall; "as House Chairman of the Committee that reported this bill, and as a dissenter to the bill, I want to call upon the gentleman

THE FIRST GREAT DEBATE IN THE HOUSE

who has charge of the bill to explain why he is supporting it."

There was another ringing cry of, "Mr. Speaker," and Parks was in the arena even before Haines had resumed his seat.

"In all my experience, Mr. Speaker, I never knew a dissenter to a bill to try to put over a thing like that. This bill was reported from the committee by a vote of 7 to 3. It is up to the dissenters to show why they dissent."

There was a murmur of applause. Haines saw that he was checkmated. He sprang to his feet and again obtained the floor. The debate now opened in real earnest and resolved itself for some time into a duel of words between Haines and Parks. It was then that I began to realize what a powerful champion we had in Joe Parks. Every attack of Haines was countered effectively. Other speakers in opposition were heard. While I was the subject of the debate for a time, their heaviest accusations were that I was "an inexperienced boy."

I had anticipated something of the sort, so I had come prepared. I sent a messenger to Mr. Parks with printed extracts from the many favorable reviews of my books. This was seized by him with great eagerness, and no one could have made better use of the material.

He read the extracts from the Yale Law Review, Columbia Law Register, Virginia Law Register, University of Pennsylvania Law Review and the Harvard Law Review on two of my books. After each of the quotations he would exclaim triumphantly, "That's what they think of this inexperienced boy," saving Harvard as the last authority.

THE EDUCATIONAL OCTOPUS

Representative Greenwood came in strongly in support of the bill. Representative Walter R. Meins made a remarkably effective speech for the school and Representative Morrill closed the debate.

I will never forget the tense excitement of the next few minutes when the voting began; nor the stunning shock that came to me when the speaker announced, after the voice vote, that the bill was lost.

But Parks was on his feet shouting, "I doubt the vote, Mr. Speaker."

"The vote is doubted. All those in favor of ordering the bill to a third reading will rise and stand in their places until counted."

It was done. Seventy-three members arose. The opposition was called for, and again seventy-three members arose; so again the bill was declared lost.

But Mr. Morrill doubted this vote also, and demanded the calling of the ayes and nays. Under the rules of legislative procedure in the House, when a roll call is demanded at least thirty members must join in the call. In this case many more than that number arose.

The roll call began and in the first letters of the alphabet we were badly beaten. But when the letter "M" was reached, with its Democratic host, we were saved. The bill won by a vote of 98 to 93 with six pairs; (that is six men absent who had arranged with six men of opposing views who would be present to present their names as paired with them on the vote, and thus be recorded in the roll call.) But we had won; and the House adjourned for the day.

LIVELY LOBBYING

CHAPTER XLII.

Lively Lobbying.

The victory of our bill in the House was the signal for a general alarm among our opponents. The bill had still to be passed to engrossment. There was yet time to defeat it if the opposition were skillfully managed. That it was skillfully managed there is not the slightest possible doubt.

It is customary for a bill that has been advanced to third reading to go to the Committee on Bills in Third Reading. It was well known that the chairman of that committee was an opponent of the measure, so the expected happened. The committee held the bill, as it had power to do, until the following Tuesday, February 13th, thus giving the opposition the time desired for further agitation.

Circular letters were sent out by Dean Speare of the Y. M. C. A. Law School calling upon all friends of the Y. M. C. A. in one letter February 8th, to "write at once to your senator, as a citizen of his district, urging him to insist that the bill be referred to the State Board of Education;" and on the following day, February 9th, "get in touch with your Representative and Senator and urge them to vote against the measure. You need not necessarily state that you are identified with the Y. M. C. A. but approach him as a citizen."

On the same day, February 9th, Dean-elect Homer Albers of Boston University Law School, wrote a two-

THE EDUCATIONAL OCTOPUS

page letter to each member of the legislature urging the defeat of the measure. In his letter, ostensibly written as from a disinterested lawyer, he urged as one of the reasons for defeat of the measure that he was "informed" that the Dean of Boston University Law School was opposed to the measure, when as a matter of fact he was himself the Dean, (although the fact of his election was not then generally known).

It was several days before I got possession of any of these letters; but I knew at once after the victory in the House that a tremendous agitation was going on. I learned that not only were agents of the Y. M. C. A. and Boston University lobbying against us, but was also informed that the State Board of Education, the Boston Bar Association and the Massachusetts Bar Association, were actively at work to defeat our bill. The Educational Trust of Massachusetts were out in martial array to defeat the Suffolk Law School.

How effective a campaign they waged may be judged from the fact that of twenty-five Harvard men in the legislature, twenty-three voted against us; of eighteen Boston University men, sixteen voted against us; of nine Y. M. C. A. graduates, seven voted against us. This meant that forty-six opposing votes were cast by alumni of the three schools that opposed us.

It is not to be supposed that the friends of the measure were in the meantime idle, for eternal vigilance is the only safe rule in the support of any bill however meritorious. If we could hold the votes we had won there was still a chance, even against the powerful forces that were opposing us. But we feared desertions, for by this time I was aware how fickle is the legislative mind.

LIVELY LOBBYING

An instance in point, Mr. Vahey and I were in conversation with a certain senator. He told us frankly that he favored the bill, but that he should vote against it because there were so many Y. M. C. A. sympathizers in his district that it would be disastrous to do otherwise. That night I gave the name of the senator to each of our students from his district. Within two days, a student, who had been designated as chairman, called at the Senate chamber with a book bag full of personal letters from prominent men of the district. One of the students had even circulated a petition in the factory where he worked and had secured hundred of signatures calling upon the senator to vote for the measure.

Within twenty minutes the senator in question had come to me in the corridor and assured me in most emphatic terms of his support. No more loyal supporter did we have in our three-year fight. He even stood against the governor when the veto contest was on.

This is the way votes are legitimately gotten, and this is the only method to which we resorted throughout the long contest. It is not the way I would have chosen, for I believe in trying the case as before a jury with nothing whatever to do with those who are to decide; but it is politics, and the only way of accomplishing the passage of any legislation to which there is opposition.

Knowing, therefore, how votes are won and lost, I was in constant fear lest our opponents had unsettled the stand of a sufficient number of our friends in the House to encompass our defeat. They came perilously near it, as will be seen hereafter.

CHAPTER XLIII.

A Double Shuffle.

During the first few months of each legislative session in Massachusetts neither House nor Senate hold forenoon sessions. From 10 A. M. to 1 P. M. of each legislative day the State House hearing rooms, especially on the fourth floor, are occupied with hearings before the various legislative committees.

Throngs come and go. At one moment the corridors are full of hurrying humanity and the babel of voices and laughter. At another moment, they may be empty, save for an occasional straggler, wandering aimlessly from one hearing to another in quest of inexpensive amusement; or a belated "statesman" hurrying to his committee and held up again and again by those who have been lying in wait unobtrusively in the corridor.

The calm, slow-moving lobbyist may saunter down the corridor; or sit on the steps of some deserted hearing room; or perch himself, with others of a similar calling, on the broad ledge of a window that opens onto the airshaft but commands a view of the corridors on both sides of the building—a strategic vantage point.

But the busy part of all the day begins when both branches convene at 2 P. M. The larger body is much the more picturesque. The House lobby then rapidly fills. Members hurrying to the cloak rooms to de-

A DOUBLE SHUFFLE

posit their outer garments meet members sauntering forth from the inner lobby to which the public is denied. Greetings and jests, and serious conferences are everywhere in evidence. Venerable deputy sergeants-at-arms stand guard, holding the crowd of civilians from crossing the dead line unless they have a plausible pretext for mingling with the "elect."

The numbers of these "elect" in the lobby decrease appreciably when the House is in session; but there is always a fair number of them in evidence. They do not tarry long in the House chamber as a rule; for they either emerge voluntarily, or are called forth singly by attendants to meet some constituent who has sent in his card. They are invariably happy to meet a constituent, whether a total stranger or not, and thrice happy if the constituent is a female, which happens but seldom; although occasionally a dignified solon may be seen piloting a bevy of high school girls, or a quartette of schoolma'ams through the sacred precincts.

These were the scenes that were daily enacted before my eyes, as with growing anxiety I overlooked the busy campaigning that went on against our charter. I spoke but seldom with members of either branch, for I did not know them personally and felt a delicacy about seeming to approach them on our measure. My presence at the State House was chiefly to keep in close touch with every move that was being made; to stimulate the activity of our friends in the legislature by receiving their reports at first hand, and to impart to them whatever news from "the front" had come to my knowledge from other sources.

Tuesday, February 13th, 1912, brought again a great forensic battle on the Suffolk Law School char-

THE EDUCATIONAL OCTOPUS

ter. We had expected it for days. But now the stage was set for a greater contest than the one of the previous week. Again from my seat on the side lines I saw the ominous activity of our opponents while the House calendar was being read. Again the angry storm of "pass" challenged House Bill 123, now up for engrossment.

Mr. Parks was in his place, worried but ready for battle. The bill was reached. Although Haines had told me that he was through fighting, it was he that led the debate. A more skillful move would be hard to imagine, for he was offering an amendment to the bill providing that the Bar Examiners of Massachusetts be ordered to investigate the school and report to the next Legislature.

Around this amendment the battle raged. Parks, in an eloquent appeal to the House, declared the amendment to be a last desperate effort to defeat the bill. From every quarter of the House men were clamoring for recognition when Parks sat down. With tense eagerness I awaited the name of the next speaker, fearing lest it should be that one whom I dreaded above all others, Robert M. Washburn.

I had heard him before on other measures, a man of great power of eloquence, and a satirical wit that could smother in laughter any ordinary bill to which he was opposed. He was a graduate of Harvard, therefore opposed as I thought.

But the speaker recognized an alumnus of the Y. M. C. A. Law School, Sanford Bates, who championed the amendment with much sound and fury. As he subsided, the clamor for recognition broke out again. This time it was Washburn who gained the floor.

A DOUBLE SHUFFLE

But Washburn, instead of opposing us as I had expected, set the House into roars of laughter in his humorous description of Ben Haines, and of Medford from which he hailed. Then in serious vein he eulogized Parks and spoke eloquently for the rejection of the amendment and the passage of our bill.

Henebery of Worcester, another graduate of the Y. M. C. A. Law School, was the next speaker; and his speech was a shining example of misinformation and ignorance, for he solemnly assured the House that the Suffolk Law School had never graduated a single student, nor had a man from the school ever succeeded in passing the bar.

To this Walter R. Meins of Boston made spirited response, setting forth the real facts. Representative Cavanagh to whom I have referred in a previous chapter, opposed the bill; but Charles R. O'Connell of Peabody, who had attended both our school and the Y. M. C. A., came in with a ringing eulogy of the Suffolk Law School.

Haines now offered his second surprise—an amendment to his amendment, naming the State Board of Education in place of the Bar Examiners.

From then on the debate was "fast and furious," and at this juncture an event occurred that amazed and electrified me. Martin Lomasney, the man whom the newspapers had taught me to believe the embodiment of selfishness and greed; the man who out-Tammanied Tammany, jumped into the fray in behalf of the bill.

I say "jumped" advisedly, for no man who has seen Lomasney in action, his teeth snapping, his arms thrashing the air, his trip hammer utterance pouring

THE EDUCATIONAL OCTOPUS

forth a native eloquence that reaches the inmost emotions of his hearers, can characterize his entrance into a debate by any lesser word.

And Lomasney's speech on this occasion was most powerful. He is a shrewd judge of the psychological moment and in this case hit it exactly, drawing to a dramatic close the long debate. His closing appeal was this: "Don't let the lawyers of this body make a trust of legal education in Massachusetts."

On the roll call that followed, the amendments were rejected by a vote of 96 to 94. This was the signal for a general uprising of the members, for the hour was late. When the chamber was half empty the speaker put the bill to vote and declared it lost. The vote was doubted and on a standing vote the bill was again lost by a vote of 67 to 73.

Again Lomasney was in action. "Mr. Speaker," he cried, "I doubt the vote and ask for the calling of the ayes and nays."

Owing to the depleted chamber and the lateness of the hour, I was fearful lest the necessary thirty members should fail to respond. But I could hear Lomasney's excited undertone ordering them up, and the ayes and nays were ordered.

The gong in the corridor began its insistent peal, the invariable accompaniment of a roll call. Friends and foes were darting hither and thither in a tense struggle for mastery. The monotonous roll call began. But as the fateful "no" or "yes" came in response to the long list of two hundred and forty names the excitement rose to fever heat. The pairs had already been announced, but now when the list was complete and the opposition saw victory in sight

A DOUBLE SHUFFLE

they caused two of their men who were paired with two of our absent ones to withdraw their pairs and vote instead.

Then in that crisis the quick wit of two men saved the day for the Suffolk Law School. Realizing the treachery the opposition had practiced, Parks persuaded one of our men to withdraw his pair and vote. Even while Parks was laboring with his man Lomasney cornered a Boston University Law School student and by sheer power of will compelled him to announce that he was paired with one of our men who had been paired but dropped in the treachery referred to—thus was executed a double shuffle of tremendous importance to us.

So swiftly had these changes taken place that the speaker announced the vote before I knew what it was all about. We had won by a vote of 98 to 97. The opposition were furious, for had they not planned it 97 to 98? They would surely have polled that vote, as will be seen from a little figuring. With two men released from the pair and the man voting that Lomasney captured they would have polled 98 votes; but with our side still continuing its pairs our vote would have been 97.

Only the quickest of wit could have saved the day for us. The whole transaction did not occupy two minutes of time. But to me the most amazing thing about the whole matter, and even the debate itself was the revelation it had given me of Martin M. Lomasney.

That he had acted in our case without the slightest suggestion of self interest was most strikingly manifest. He, the deep villain of the popular supersti-

THE EDUCATIONAL OCTOPUS

tion, had acted the hero; the champion of the cause of the sons of the workingman, while the so-called "guardians of the rights of the people" to whom I had looked for succor were laboring diligently to defeat those rights.

My world had turned topsy-turvy. That was the beginning of a great disillusionment. I looked at things from thereforward with my own eyes, rather than through the colored lenses of an inspired press.

I came to see that Martin Lomasney, so far from being the political ogre he has been painted, was after all a highly respected member of the legislature; a man who never breaks his word, and who is usually found on the side of the people in any contest or debate.

I even found, in three years of observation, that the very men who would go out in a political campaign and win their election by representing that unless they were returned the "unspeakable Lomasney" would be elected Speaker of the House, would nevertheless admit, in private conversation, that "Martin" was one of the squarest men in the Legislature.

While I hold no brief for Lomasney, who may have conducted many questionable political transactions, yet I do hate hypocrisy and sham, and cry out against the injustice of depicting the champion of the masses as a villain and worker of darkness, but the champions of the privileged classes heroes and saints—when their political methods are one and the same as any observing man who has watched them well knows.

They say Lomasney has been known to turn a political trick to benefit his friends. The great and

A DOUBLE SHUFFLE

mighty of the legislature are continually turning tricks for State Street and the interests, and strangest of all, making a goat of Lomasney and "guardians of the dear public" of themselves.

CHAPTER XLIV.

Victory in the Senate.

To add to the chagrin of our opponents, it now occurred to them that had Speaker Grafton Cushing exercised the presence of mind to vote on our measure a tie vote would have resulted; and the bill would accordingly have been defeated. But now the opportunity had passed.

It must have been that the opposition sensed the real situation in the Senate, and despaired of success in that quarter; for on the next day they adopted the desperate expedient of trying to secure reconsideration of the measure.

Anticipating this move, and alarmed indeed at the prospect, I spent the next forenoon "rounding up" our trustees. To tell the truth I found them in belligerent moods and ready for battle, for the newspapers had come out with stories of the debate.

Mr. Boynton, Mr. Evans, Mr. Vahey, Mr. O'Connell and General Bartlett each came to the State House in person; so all but one of our Trustees were in the thick of the fray, either in the House or the Senate corridors, conferring with their friends in each branch.

Mr. Evans, who had been Republican leader of the Senate during the previous year, held an impromptu reception of his Republican brethren; while Mr.

VICTORY IN THE SENATE

Vahey, with characteristic vigor, personally conversed with every Democratic Senator. General Bartlett and Mr. O'Connell added their influence to that of Mr. Vahey; and the outlook for success in the Senate looked very favorable should we succeed in leaving the House in safety.

Mr. Boynton, while working earnestly for our success, was a downright pessimist so far as the Senate was concerned. "I tell you, Mr. Archer, the Senate is the graveyard of all good bills," was a frequent sentiment with him.

But every effort was put forth to prevent reconsideration of the previous day's vote in the House. Reconsideration must be voted if at all before the orders of the day were reached, and I was fearful lest our friends should fail to put in appearance early enough to prevent a successful demonstration by the opposition.

It was with fear and trembling that I surveyed the half empty House next day when Haines took the floor to move for reconsideration. But the seats filled while the sharp debate was in progress. When the motion was put to vote, Haines lost by the overwhelming vote of 27 to 93. A roar of laughter went up at the result. Haines promptly doubted the vote and called for the ayes and nays; but only a dozen or so responded to his call. Haines' last chance had faded away. The House was evidently tired of the long contest and disposed to leave us in possession of our hard won victory.

The scene of battle now shifted to the Senate, and a merry battle it was. Senator Nason told me that great quantities of mail were already pouring in upon every member of the Senate, urging them to vote

THE EDUCATIONAL OCTOPUS

against the measure; that unless something were done to counteract it, we would have great difficulty in passing the bill.

By good fortune I had now gotten possession of two of Dean Speare's circular letters; sent me, by the way, by students of his own school who resented his action. Believing that copies of one of his letters would make many votes for us in the Senate I had prepared the following document which I mailed to every member of the Senate:

To the Members of the Massachusetts Senate:

I invite your attention to a letter which will explain in a large measure the letters and protests that are being filed with you against the Suffolk School of Law. Please note the suggestion that the students of the Y. M. C. A. deceive you by pretending to act as disinterested "citizens;" this from the head of the Young Men's Christian Association. This is only a sample of the methods used by our opponents.

Respectfully yours,

GLEASON L. ARCHER,
Dean of the Suffolk School of Law.

Feb. 12, 1912.

(COPY.)

ASSOCIATION INSTITUTE
BOSTON YOUNG MEN'S CHRISTIAN
ASSOCIATION.

February 9, 1912.

To the Students of the Association Institute,
Gentlemen:

The Suffolk School of Law, a commercial enter-

VICTORY IN THE SENATE

prise, conducted in Tremont Temple, is seeking to gain the right to grant degrees. They are being opposed by Harvard University, Boston University, Tufts College, The Massachusetts Bar Association, and educators in general. They have seen fit to use the Association Law School as a sledge to break down the educational traditions and standards of the State, and force an entrance.

The Bill has been reported for a third reading in the House, and then, if it passes, will go to the Senate. I therefore, write to urge you to at once get in touch with your Representative and Senator and urge them to vote against the measure. You need not necessarily state that you are identified with the Y. M. C. A., but approach him as a citizen. Please let nothing prevent your doing this, as you will be conferring a great benefit to all existing institutions and helping to uphold the proud educational standards of the Commonwealth.

If I have written to you previously, this letter simply reinforces what was said before. The Bill comes up again in the House for discussion Monday afternoon, February 12th, so that immediate action is necessary. Please see these persons if possible; if not, write or telephone.

Yours very truly,

FRANK PALMER SPEARE,
Educational Director.

Mr. Evans also came out with an open letter to the Senate urging the passage of our bill.

Senators Nason and Hunt were the natural champions of the bill in the Senate, being members of the committee that reported it. Senator Nason, however,

THE EDUCATIONAL OCTOPUS

took the most interest in the measure, and as he was recognized to be a skillful debater and aggressive in action, we were well pleased to have him become sponsor of the bill in case there should be a debate.

That there would be a stiff battle in the Senate we had no doubt. Senator Harry N. Stearns, the Republican leader of the Senate, a graduate of Harvard, was especially active in opposition to the bill, and it was reported that he would lead the opposition.

The opening gun was fired in the Senate on February 19th, when Senator Stearns gave notice that he should on the next day move for the adoption of the following order.

"Ordered that the Board of Education be requested to furnish the Senate with the following information:

(1) What is the proper standard of instruction or efficiency to entitle a law school, or an educational institution giving instruction in law, to grant the degree of Bachelor of Laws?

(2) Has the Suffolk School of Law, located in Tremont Temple, Boston, such a standard of instruction and efficiency as to make it proper that it should be authorized to grant the degree of Bachelor of Laws?"

I immediately got out a circular letter to the Senators urging defeat of the Stearns order; because the State Board was not as well qualified to give this information as the Bar Examiners who had already declared the proper standard, which standard the Suffolk Law School fully complied with. I quoted from statistics to show that only four other evening law schools in the United States maintained a four year course, all the others three years or less. I also quoted in full a letter from the Chairman of the Board

VICTORY IN THE SENATE

of Bar Examiners giving the bar examination record of our students and graduates.

I had the satisfaction, when the Senate convened, on February 20th, of seeing the majority of the Senators open their mail (they seem to make a practice of reading their mail during the formal Committee Report stage of the session) and observing the length of time spent with my letter. I sat in the gallery and could easily identify my letter by the school seal on the letterhead.

The order was finally reached, and Senator Stearns opened the debate. After what I had experienced in the House debates, the Senate affair was mild by comparison.

Snator Arthur L. Nason was the chief speaker for our side, but quite a number of short speeches were made on both sides before the matter was put to vote. On a roll call, the Stearns order was killed by the emphatic vote of 8 to 22, with four pairs.

The bill was passed to a third reading without further opposition. Senator Stearns informed me that he was through; that Speare's letter which I had mailed to the Senators had killed all chances of defeating the measure, so I need expect no further trouble in the Senate.

He was true to his word. On the following day the bill passed to engrossment and was soon returned to the House for the enactment stage.

THE EDUCATIONAL OCTOPUS

CHAPTER XLV.

The Bill Goes to Governor Foss.

We now felt that all legislative dangers had been overcome and that our charter was as good as signed. Rumors came to us, however, that Haines would make a desperate effort to kill the bill on enactment. So alarming became these rumors that I sent the following letter to every member of the House who had voted for our bill:—

Dear Sir:

The Suffolk Law School bill for which you so kindly voted has won an overwhelming victory in the Senate—22—8. The bill will return to the House Monday for enactment. I have just learned that our opponents are planning to endeavor to kill the bill on enactment. Now, we have won fairly and honorably and I feel assured that you will do your utmost to prevent selfish partisans of a wholly selfish opposition from depriving us of the fruits of victory. May we count upon you to be present without fail at Monday's session to vote for the enactment of our bill?

Sincerely yours,

GLEASON L. ARCHER, Dean.

Feb. 23, 1912.

THE BILL GOES TO GOVERNOR FOSS

But the bill did not return to the House Monday for enactment. Tuesday, February 27th, however, I was informed that the bill had been engrossed in concurrence, and was then in the hands of the chairman of the committee on engrossed bills, Walter R. Meins. It will be remembered that Mr. Meins was a firm friend of the school and had spoken for the bill twice in the House.

It is a custom in the House, when bills are ready to be enacted, for the chairman of the committee to cause them to be placed on the speaker's desk and for the speaker, at the first lull in proceedings or during the formal part of the session, to present the bills to the House. In three years of observation I never saw but one attempt made to kill a bill on enactment, and that attempt was made on our bill.

From my seat in the House gallery, I saw our bill placed on the Speaker's desk. I noted with concern that he paid no attention to it. Several of our friends who were watching it went to the Speaker's desk to request action, but the Speaker declined. He did not in fact find it convenient to touch the bill until the business was over for the day and the members were leaving.

He then called the bill very distinctly (not in the monotonous undertone customary with bills to be enacted.) Haines sprang to his feet and moved to have the enactment clause of the bill stricken out. Such action would defeat the measure. Fortunately a few of our friends were in the chamber, and one of them, I have now forgotten who it was, challenged such action on the ground that there was not a quorum present. Such was the case, so the House was declared adjourned.

The bill had been saved; for before the House con-

THE EDUCATIONAL OCTOPUS

vened on the following day I had stationed friendly members of the House at every entrance to acquaint the other members as they arrived of the attempt to assassinate our charter. The indignation was so general that no further action was attempted. The bill was then enacted February 28th as a matter of regular routine in the House, and February 29th in the Senate.

The fight had occupied six weeks of time. Having been "in the harness" over fifteen hours a day five days a week, I was so exhausted physically that it was with effort that I kept up at all. I had found the long afternoons in the legislature when waiting for our bill to be reached most exhausting of all.

My friends had frequently urged me to give up my regular attendance, but I had persisted because I found that when any new move of the opposition was made instant action was our only salvation; and I dared not trust it to others who had many distracting duties that might blind them to what was going on. I was there with a single purpose, to watch the bill—and I watched it to the end.

Now that the end of the long vigil had come I felt like taking a week's sleep; but rumors had come to me with disconcerting frequency that Governor Foss would veto our bill. It seemed incredible that a Democratic Governor would veto a bill that had the support of every Democratic Senator and of eighty per cent. of the Democrats in the House. Both General Bartlett and Mr. Vahey, of our trustees, had been Democratic candidates for governor. To them, and to Mr. O'Connell, Foss owed in large measure his election as governor. That he would affront them by vetoing the bill—in effect to declare them unworthy to be entrusted with degree granting power—was absolutely beyond belief.

THE BILL GOES TO GOVERNOR FOSS

But there was still another reason why Foss should not act. He was trustee of the Y. M. C. A. Law School, and, as an interested party, could not honorably veto the bill.

But when I saw with my own eyes, as well as being credibly informed of other such happenings, that men who had fought our bill most persistently were lingering in the executive offices, I decided not to take chances on the governor, but to wait upon him with a delegation of our friends.

THE EDUCATIONAL OCTOPUS

CHAPTER XLVI.

Veto and Defeat.

On the day that the bill was enacted in the Senate, February 29th, 1912, I gathered together the faculty and four trustees, (General Bartlett, Mr. Boynton, Mr. Evans and myself), as a delegation to wait upon the governor. By good fortune, we met in the State House Judge Thomas P. Riley, then a close adviser of Foss. Judge Riley was a good friend of the school, and went with us to the governor's office.

We were duly presented to the governor. The whole party stood, the governor himself standing, plump, sleek and self-satisfied, during the conference. Judge Riley was the first speaker. General Bartlett, Mr. Boynton and Mr. Evans also spoke. I myself spoke at some length, for the governor seemed disposed to ask me questions. They were the time worn objections that we had refuted hundreds of times in the last six weeks.

We departed somewhat besmeared with gubernatorial "soft soap," for the "Old Boy" was in fine fettle and up to his usual game of beguiling his intended victims with pleasant words. Not knowing the man, I was quite convinced of favorable action, and it came to me as a distinct shock when Judge Riley declared, when we reached the outer corridor, "I'm afraid the Old Boy will veto that bill. He acted just like it to me."

That night I wrote a long letter to the governor, reviewing all the arguments that had been advanced

THE BILL GOES TO GOVERNOR FOSS

against the bill, answering them briefly, paying special attention to the question he had raised of why the State Board of Education should not be consulted. I quote this portion of the letter: "Now they are carrying these exploded arguments to you, and trying to induce you to do what the Committee on Education refused to do, what the House refused to do, what the Senate by an overwhelming vote refused to do—refer the matter to the State Board of Education."

"After the attempt in the House had failed, our opponents repeatedly declared in debate that the Board of Education was opposed to the bill and urged that as a reason why the bill should be killed. Dean Speare, in one of his circular letters by which he directed the attack upon us, declared "All we desire is that the bill be referred to the State Board of Education," and in a letter written on the following day, a copy of which I gave you today, he asks the friends of the Y. M. C. A. to ask their Representatives and Senators to vote against the bill, thus demonstrating that he considered reference to the Board as equivalent to killing the bill.

"Now I ask you, as a common sense proposition, if your enemies should try repeatedly to drag you into a certain alley, would you not be justified in suspecting from that fact alone that that alley was not a healthy place for you? But we have positive evidence that the chairman of this Board, and the only lawyer on the Board, has without the slightest investigation declared his hostility to our bill. Therefore, we have double reason to shun this particular alley."

On the following day I drew up a formal paper signed by all the incorporators, setting forth all the essential facts concerning the school, analyzing the vote in the

THE EDUCATIONAL OCTOPUS

House and Senate and closing with a strong appeal for favorable action.

On this day, also, Mr. Vahey and Mr. O'Connell had separate conferences with the governor. Delegations from both House and Senate waited upon him in our behalf.

But without notice to us, a fact which came to my knowledge a year later, the governor gave a secret hearing on our bill to which only the avowed enemies of the school were invited. The fact of this hearing was disclosed to me in a remark dropped by William G. Thompson, Esq., in December, 1912, nine months after it occurred. Mr. Thompson was one of those present. Upon questioning him he gave me the names of many of those who attended the hearing.

The first positive evidence that I received of the governor's hostility was when, in response to a telephone request, I called at the office of the State Board of Education and found to my utter amazement that Governor Foss had referred the whole matter to Commissioner Snedden.

But most amazing of all was the fact that my personal letter to the Governor, in which I had paid my respects in no uncertain terms to the State Board, was upon Mr. Snedden's desk—doubtless to put him in a favorable frame of mind toward us.

From that moment I was sure of the fate of our bill. The governor was seeking a pretext to veto it. That he would secure such a pretext from this source, I was as certain as that the sun would rise on the following day.

Commissioner Snedden had called me to ask a few questions and arrange a hearing, to which I could

VETO AND DEFEAT

bring one other of the trustees or faculty. I named Mr. Evans as my associate, and departed with the solemn assurance that I would be notified of the time and place of the hearing. But this promise was never kept. No hearing took place, and the first word that I received from Commissioner Snedden was that he had rendered his report to the governor, and he refused to show me even a copy of the report.

The report, moreover, contained the grossly inaccurate statement that a charter once granted in Massachusetts could not be revoked (a powerful reason for a veto if there was any question as to the rights of the matter) and had we been permitted to see it this statement would never have gotten into Foss's veto message, as it did.

The learned commissioner later excused himself for this grave mistake by declaring that he got his information from Professor —— of Harvard Law School, a sad commentary on the legal knowledge of that distinguished authority; for the law laid down by the ancient Dartmouth College case, which the professor evidently had in mind, has been abrogated in Massachusetts by statute for over eighty years.

The Educational Octopus had gotten us at last. Governor Foss vetoed the bill and incorporated Commissioner Snedden's astonishing interpretation of law in his veto message.

One more stormy day in the House, when the veto was acted upon, and our 1912 charter was quietly and decently interred.

On the day of the veto I posted the following notice on the bulletin board and will offer it here as the epitaph of our ill-fated measure:

THE EDUCATIONAL OCTOPUS

"To the Students :

Governor Foss's veto of our bill will be fought to the last ditch, but if we fail to pass it over his veto, it will not affect the school in the slightest degree. The school will continue precisely as before. We have lost nothing that we possessed before the fight began, but in reality have gained much through the advertising that the school has received through the press. I thank the students one and all for the splendid spirit of loyalty they have manifested throughout.

Gleason L. Archer."

March 8, 1912.

The incorporators issued a public statement scoring the governor for his action and prophesying that he would live to regret his action; a prophecy that has in all probability been amply fulfilled.

CHAPTER XLVII.

Preparing for the Second Legislative Contest.

The school year of 1911-1912, despite the great contest in the legislature with its heavy demands upon my time, had been a most successful year from all points of view. My own courses in both departments had gone on much as usual, and they would have been the ones to suffer if any, owing to my personal activities in the legislative contest.

But a wonderful spirit of loyalty and good fellowship had sprung up in the school. There was not a luke-warm individual in the entire student body. It was then that we laid the firm foundation for the greater Suffolk Law School that now exists. Men cannot be drawn together into more certain unity of thought and action than by some common wrong or injustice that must be righted at their hands.

The year 1912 saw perpetrated upon the Suffolk Law School a great injustice which roused in every student of the school a spirit of intense resentment, that translated itself into concerted action in the school's behalf and loyalty to the institution itself; for men love best that for which they have fought most valiantly.

The January 1912 bar examinations had resulted in a splendid showing for the school. Our annual school banquet which occurred shortly after the veto

THE EDUCATIONAL OCTOPUS

contest, was a great success. The spirit of battle was strong among us. Everyone pledged his efforts to the defeat of our enemies in the legislature and victory for the school on the following year.

The close of school in May found no abatement of zeal either among the students or the corporation members. The sentiments of the latter may be judged from the fact that during the summer of 1912 two sets of Massachusetts Reports were added to the school library, one the gift of General Charles W. Bartlett and the other presented by Wilmot R. Evans, Jr. These were the first gifts the school ever received from any person other than myself.

I have neglected to mention that before our legislative fight began I had given the school to the corporation (so that it might not be attacked on the ground that it was a privately owned institution.) At the next meeting of the corporation this deed of gift had been formally accepted. Since that date, my connection with the institution has been merely that of an executive officer. The results have more than justified the sacrifice.

The summer advertising campaign, after the wide publicity that the legislative contest had brought us, resulted in an increasing number of new students. When the school opened in September, 1912, we were gratified to learn that our total attendance had risen from 94 of the previous year to 108 students.

The new men quickly assimilated the eager loyalty of the upper classmen; and by the time the September primaries were over the entire student body were thirsting for battle; to help our friends and to defeat our enemies. It will be remembered that the year 1912 was the year of the national election, when the

PREPARING FOR SECOND LEGISLATIVE CONTEST

Progressive Party made its appearance and stirred both the old parties to great activity.

This also had its effect upon our students. "Bull Moose" were proudly wearing their "founders badges," and Democrats and Republicans were roaming the corridors; but on the subject of Foss and the legislative contest they were perfectly non-partisan.

At the request of the students, I posted a list of the candidates for the legislature who had supported our bill and also those who had opposed it, leaving it to the students to do what they saw fit. But that they were making themselves felt I was not long in doubt, for many the dire threat was sent to me by distressed opponents of the school, who declared that they were being "shamefully knifed" by our students in their district.

Even Haines made overtures of peace; but no attention was paid to his plea, for he had given me too many assurances during the legislative fight that he had abandoned his opposition, only to spring some new surprise upon us. Hence, we feared his promises now. The whole spirit of the school seemed to be that we should teach the opposition that it was not a healthy political pastime to continue to oppose our bill in the legislature.

When the November election occurred, although some of our friends had been defeated, the result was the signal for rejoicing among the students because of the defeat of many of our bitterest enemies.

I sent out personal letters to every new member of the legislature, one clause of which was as follows: "All we desire is your free, unbiased judgment. We wish you to hear our story before making a decision, for we know from last year's experience that the op-

THE EDUCATIONAL OCTOPUS

position will speedily present their side of the case." I later mailed to each an illustrated booklet and a school catalogue.

Although Governor Foss had been re-elected, we had nevertheless resolved to present our bill to the legislature of 1913. Again we advertised the bill in the newspapers as required by law.

There had in fact been a new law enacted in the spring of 1912, which provided that all educational institutions applying thereafter for power to confer degrees must be investigated and reported upon by the State Board of Education. This law was of course aimed at the Suffolk Law School, being fathered by Senator Stearns and supported by the Educational Trust. But we had not opposed its passage, believing so to do would injure our cause more than it would help it. The State Board with all its accumulated animosity would, therefore, have its opportunity to attack us before the legislature.

From remarks that had been made the previous year, I divined that they would centre their whole attack upon our Day Department, which was of course our weakest point. The original charter had contained a provision that might be construed as giving our day department the right even to confer degrees of Doctor of Laws as well as the Bachelors degree.

I reasoned, therefore, that since our Day Department was absurdly small, and a mere experiment, I could effectively checkmate the State Board and eliminate much of the hostility of the day law schools by striking out the provision as to the Day Department in our 1913 charter.

To plan was to act, for although some of the trustees were opposed to the plan, yet the majority fa-

PREPARING FOR SECOND LEGISLATIVE CONTEST

vored the idea, so I drew the new charter in the form indicated. We received no new day students after 1913 and continued the department only so long as to graduate those already enrolled, closing the Day Department officially in May, 1915.

THE EDUCATIONAL OCTOPUS

CHAPTER XLVIII.

The Bar Association Investigation.

Late in December the first evidence of activity of the opposition developed. General Bartlett called me to his office one day and told me that William G. Thompson, Esq., a Harvard alumnus of very pronounced views, had told him that he was on a committee of the Bar Association to investigate the school, and desired him to arrange the matter with me.

I invited the gentleman in question to come with his committee and investigate as much as he desired. It may be mentioned in passing that the chairman of the committee was a man who had been president of the Corporation of the Y. M. C. A. Law School for many years; that it consisted chiefly of men who were closely identified with the other law schools.

The sub-committee that investigated the school were Mr. Thompson and Henry A. Wyman, formerly a professor in Boston University Law School. That the report would be adverse, I was as certain as that the two gentlemen were in my office when they made their first visit. This does not by any means reflect upon the integrity of either, for they are both able and conscientious men, but they were so hopelessly prejudiced that there was no possibility of reporting except in one way.

BAR ASSOCIATION INVESTIGATION

Mr. Thompson himself is a picturesque character, large and ruddy of countenance, very aggressive of manner, and the most outspoken lawyer that it was ever my fortune to meet.

As an example of his refreshing frankness, he announced the purpose of his first visit to the school something in this manner:

"I don't want this job of investigation. From your standpoint, I'm probably the worst lawyer in the city of Boston to investigate you. I don't mind telling you candidly that I don't believe any evening school should have the right to confer degrees. If I had my way I would shut up every law school in the United States, Harvard included, for six years. There are too many lawyers already."

In spite of his prejudice, however, he and Mr. Wyman set about their work with conscientious thoroughness. They visited lectures, and also gave a hearing before making their report. They had the courtesy, moreover, to give me a copy of the report before it went to the Committee on Education.

While the conclusion of their report was adverse, I was surprised and pleased at some of the genuine compliments paid to the school and to me.

In one place in the report it was said: "Mr. Archer has had little experience in the practice of law, but he appears to us to have considerable natural gifts as a teacher, and a genuine interest in teaching."

Again, "One cannot, however, pass from the subject of Mr. Archer's books without expressing admiration for the energy and ability which have enabled him under such difficulties and at such an early age to occupy a place in the field of respectable legal authorship."

THE EDUCATIONAL OCTOPUS

Of the school, the report declares: "We were impressed by the spirit of interest, earnestness and strong desire to learn manifested by the students at the lectures which we attended. The discussions carried on between instructors and pupils were intelligent and interesting."

Again, "In the course of this investigation, we have acquired a respect for Mr. Archer and the instructors of the Suffolk School of Law whose work we observed. We do not think they should be charged with mercenary or other improper motives. The students of the Suffolk School of Law receive more than adequate return for the tuition which they pay."

Their conclusion was, "It also seems to us clear beyond reasonable doubt that it would be a serious and unwarranted departure from the high standards and traditional policy of this Commonwealth in regard to institutions of higher education to confer upon the Suffolk School of Law the power to grant the degree of Bachelor of Laws or any other degree."

CHAPTER XLIX.

The Board of Education's "Investigation."

It will be remembered that Dr. Snedden of the State Board of Education had made a lengthy report to Governor Foss on our bill. In this report he stated that it was highly desirable that a careful investigation should be made "with special reference to the scope, fitness and probable success of the Suffolk Law School in maintaining the standards of legal education."

Shortly after this and through the agency of Senator Stearns and others who had opposed our bill, a law was enacted, (Chapter 481, Acts of 1912) giving the State Board power to make the investigation referred to, and providing that the State Board's report should be forwarded to the legislature during the first week of the session.

I notified the Board in November that the school would present a new petition to the legislature. I naturally expected prompt action on their part, but not until January 3rd, 1913, did I hear in any way from the Board. On that day, however, they filed with me a list of seventeen interrogatories which I answered in writing.

One week later I received a letter which speaks for itself.

THE EDUCATIONAL OCTOPUS

Massachusetts Board of Education
Ford Building, Boston.

January 10, 1913.

Mr. Gleason L. Archer,
Tremont Temple Building, Tremont St.,
Boston, Massachusetts.

"At a meeting of the Board of Education today, a special committee composed of Mr. Fish, Mr. Conant and Miss Arnold were appointed to take such action as may be necessary in connection with the submission of the Board's recommendations to accompany your petition to the legislature.

"Mr. Fish and Miss Arnold live in Boston, and I can arrange that you meet them sometime next week. Mr. Conant is Dean of the Polytechnic Institute in Worcester, and inasmuch as he must leave for the west next Wednesday, he begs that you will endeavor to see him in Worcester, Monday at three o'clock in the afternoon, which hour he will reserve for you. I am sorry to have to trouble you, but since Mr. Conant is a very busy man, I must ask you to endeavor to see him on that date and explain your case to him.

"I will communicate with you later about seeing Miss Arnold and Mr. Fish.

Yours very truly,

(Signed)

David Snedden."

January 11, 1913.

Dr. David Snedden,
Ford Building, Boston.

Dear Dr. Snedden,—

"Your letter reached me by special delivery last evening but, as it was then too late for me to get in

BOARD OF EDUCATION'S "INVESTIGATION"

touch with any of my associates on the Board of Trustees of the school, I could not answer until today.

"I see no reason why I should go to Worcester to interview Mr. Conant, even though he is "a very busy man" and will depart for the west next Wednesday. He was appointed to the committee yesterday, and I presume the Board of Education was well aware of the limited time at his command.

"We have already had too much of these investigations on paper. Our school is in Tremont Temple. If your committee desire to make an investigation they should make it as the sub-committee of the Bar Association did—by actual visit at the school when it was in session, supplemented by conferences and a hearing. We have always been ready to give anybody who desired to investigate our school the fullest opportunity to do so.

"Perhaps you will remember that last year the opponents of our bill struggled for six weeks to have it referred to the State Board of Education. We opposed such reference because we were credibly informed that the chairman and only lawyer on the board had without the slightest investigation, openly condemned our school. The bill was not referred to your board.

"When the bill went to the Governor for his signature, he called upon you as an expert for your opinion. You promised me that we should have a hearing on the matter before you reported to the Governor, and were to notify me of the date. You did not notify me and we had no hearing. You sent a long letter to the Governor, in which you stated as an expert that, "in Massachusetts, when the power is once given to issue degrees, the State exercises no further supervision and

THE EDUCATIONAL OCTOPUS

under existing laws, is not able to rescind the authority once given." This statement was inaccurate in every respect, although uttered in ignorance—but an ignorance that was inexcusable under the circumstances. For more than eighty years it has been the law in this state that the legislature could amend, alter, or repeal the charter of any corporation created by it or under general laws. (See Mass. R. L. Chap. 109.)

"You further recommended that the bill be vetoed (or called for a delay which meant veto) so that the State Board of Education could have ample time to investigate. The governor followed your suggestion and vetoed our bill.

"Then, in order that your board have power to investigate, a bill was passed authorizing such investigation and calling for a report from your board during the first week of the legislative session.

"Our school has been in session for a total of seven months since the governor's veto; yet no member of the State Board of Education has ever visited our school, nor even talked with any of the school officials concerning it. In November, I suggested to you the advisability of investigation, and also spoke to another member of the board concerning it. We advertised in the newspapers as required by law. On January 1, 1913, I filed with you our petition, as required by law. On Jan. 3rd, you sent me a set of interrogatories to be answered in writing, which answers I returned to you January 7th.

"Now, after the school has closed for our annual mid-year vacation of two weeks—and two days after the time set by statute for your report on our bill has ex-

BOARD OF EDUCATION'S "INVESTIGATION"

pired—your board appoints a committee of three to investigate our school. One of them must leave Massachusetts on Wednesday. Of the two remaining members, one is the very person to whose prejudiced attitude we objected twelve months ago.

"It is a great hardship and handicap to us to be investigated when our school is closed for vacation, but if we can have notice of a hearing, we will endeavor to get together some of our corporation and faculty members and meet your committee as a committee, somewhere in Boston, preferably at the school."

Very truly yours,

GLEASON L. ARCHER,

Dean.

Some days after this correspondence Miss Arnold called at my office, full of righteous indignation; and upbraided me for obliging the members of the sub-committee to call at the school and waste their valuable time. She reminded me reproachfully that the Board were not paid for their services. I defended myself mildly on the ground that we had fought for six weeks in the legislature the previous year to avoid troubling the distinguished Board; but that the zeal of the opposition, including certain members of the Board, had prevailed against us.

On January 20th, Mr. Fish, busy, bustling and belligerent, honored me with a call. We had a few minutes of interesting and lively conversation and he departed. The report had already been "tentatively" drawn before Mr. Fish called, as was admitted by Dr. Snedden at the time. It was now filed with the legislature.

THE EDUCATIONAL OCTOPUS

This was all the investigation ever made of our school by the State Board of Education which opposed our school so zealously during the three years of our contest. That it was unfair and inadequate is obvious to everybody.

The Board in the report which it filed with the legislature advanced four tests as the criterion for law schools and ruled against our school because it did not meet these tests. In answer to their report, I issued a pamphlet entitled "State Board of Education vs. Suffolk Law School," from which the following is an extract:

THE FOUR TESTS PROPOSED.

1. "A resident faculty, whose chief purpose it is to give instruction required by the institution," etc. In other words, they believe that a lawyer who teaches one evening or two evenings a week (none of our instructors teach on more than two of the three school evenings), should abandon his private practice and devote himself entirely to the work. Could any body of sane men propose such a test if seeking a bona fide objection to our school? A live lawyer can carry on his practice and still do ample justice to one or two evenings a week of teaching, as the State Board well know, for all the teachers at the Y. M. C. A. Law School carry on their private practice; practically every member of the faculty at Boston University Law School maintains his private practice, even to Dean Albers himself; and at Harvard Law School, where they pay princely salaries, many of the faculty practice law. In other words, the State Board have proposed a test for our school that no other law school in Massachusetts

BOARD OF EDUCATION'S "INVESTIGATION"

could meet, and I cannot credit them with such utter ignorance of conditions as to suppose that they are unaware of that fact. The first test is, therefore, absolutely unfair and valueless.

2. "An adequate endowment, etc." This point has been fully covered under interrogatory 14* and the reader is respectfully referred to the answer to the same as submitted to the State Board of Education. After reading the answer, the reader may draw his own conclusions as to whether this test is a fair one.

3. "Affiliation with other institutions of higher learning." If it is a disqualification for a professional school to be unaffiliated it does not appear that the Massachu-

* Question 14. How is the financial future of the school guaranteed?

Answer. As to the financial future of the school, perhaps no more reassuring picture could be drawn than that indicated by an eminent expert on Evening Law Schools, Frank Palmer Speare, for fifteen years dean of the Y. M. C. A. Law School. He spoke in opposition to our bill last year before the legislative committee. He declared that, owing to the fact that evening law schools needed very little and in the way of equipment and could be run at comparatively small expense, they possessed tremendous money making possibilities.

If that is true, then endowment is unnecessary. It can very easily be demonstrated that evening law schools, unlike day law schools, can be run at a very modest figure, so that with a patronage of even one-third of the evening students now studying law schools needed very little in the way of equipment a margin to cover all necessary expenses. As for "tremendous money making possibilities," that can only exist when one school has a monopoly of the granting of degrees and a resulting attendance of four-fifths of the evening students of Massachusetts. If there should be a decline in the number of students so that endowment became necessary, it is reasonable to suppose that as the school grows older in a community traditionally so liberal to educational institutions as Massachusetts, it will readily receive the modest endowment that would suffice for all its needs.

THE EDUCATIONAL OCTOPUS

setts Institute of Technology has been in any way handicapped because it has no college, divinity, or medical school connected with it. In fact it would appear that a Board of Trustees who could give undivided attention to a single department, could accomplish greater results than if their attention were divided among several departments. For instance, a Board of Trustees, all of whom are lawyers, as in the case of our school, ought to be able to run a law school far better than they could run a university with departments of law, arts, medicine, divinity, etc.

Furthermore, there are eighteen evening law schools in the United States, not connected with colleges or universities, that can confer degrees.

4. "Supervision by some body directly responsible to the State and not financially interested in the institution."

As for the fourth test I have reason to believe that the State Board are not advancing this argument in good faith, but merely as another trumped up reason why they should hold against our school. The reason for my statement is this:

Mr. Fish advanced this argument in conversation with me January 20, 1913, and Dr. Hamilton and Commissioner Snedden were present at the time. I assured Mr. Fish that we would favor the creation of such a supervising body, and proposed to him that the State Board recommend to the present legislature the creation of the body referred to. He hesitated and, when I pressed him upon the matter he astonished me by replying, "It would not be wise at present; Massachusetts isn't ready for it. The time isn't ripe." He made this statement in the presence of the two gentlemen to whom I have already referred. I assured him that I considered his attitude very extraordinary—opposing our school be-

BOARD OF EDUCATION'S "INVESTIGATION"

cause this body had not yet been created, and yet refusing to create such a body because the time was not ripe.

The four tests proposed by the State Board are, therefore, virtually an acknowledgment by that body that they cannot find genuine fault with our school and in their frantic endeavor to find some justification for an adverse report, they have invented these specious tests."

CHAPTER L.

Before the Committee on Education, 1913.

When Speaker Cushing announced the legislative committees for the season of 1913, we had immediate misgivings. It was at once evident that at least five members of the Committee as named were enemies of the school, for they had served during the previous year; and we feared that out of the members who were serving their first legislative term, and of whom we had no record, there would be one or more to espouse the cause of the opposition.

It was commonly reported that the committee was "packed" against us, and that we were listed for defeat in the committee.

The situation was a critical one, for an adverse committee report would render much more difficult the passage of the bill. It should be added that our only hope of success in case of another veto was to pass the bill over the veto, which required a two thirds vote in each branch. So defeat in committee, even though the report was overturned by the House and Senate, would assuredly defeat all chances of a two thirds vote.

The committee hearing was listed for February 13th, and was very largely attended. There was practically no opposition except for the hostile report of the State Board of Education. Because of the wide

interest in the bill, called forth by the previous year's contest, the newspapers now gave the progress of the bill ample attention. I cannot better summarize the hearing before the committee than by quoting from the Boston Record of that date.

SUFFOLK LAW SCHOOL DEGREES

The committee on education gave a hearing on the bill to permit the Suffolk Law School to grant the degree of LL.B., the same bill which passed both branches of the legislature last year, but was vetoed by Gov. Foss at the suggestion of the state board of education. Ex-Rep. Walter R. Meins appeared for the petition. He said the school has been incorporated for seven years and has at present 150 students. It has graduated 30 students, of whom 24 have successfully passed the bar examinations.

The bill was vetoed last year by Gov. Foss, acting upon information which the petitioners believe was erroneous. The report of the board of education to him stated that the granting of this right to the school would be irrevocable. Such is not the case. The legislature can at any time rescind or revoke a right granted by a previous legislature, and would undoubtedly do so if sufficient cause was shown.

Another reason given for the veto was that opportunity had not been offered for full and complete investigation of the school. That opportunity has since been afforded, and the results of that investigation are before the committee.

Several years ago the legislature granted the right to grant degrees to the Y. M. C. A. law school. There

THE EDUCATIONAL OCTOPUS

is no good reason why a similar right should not be granted to the Suffolk school. This is an evening law school where young men who cannot give their days to study can qualify as members of the bar. Its standards are high and it has the endorsement and support of some of the best-known lawyers in Boston.

Charles W. Bartlett, a trustee of the school, said that every opportunity has been given for thorough investigation of the school by the committee of the Bar Ass'n. This is a very important crisis in the state's handling of institutions of learning. The graduates of this school are ornaments to their profession and to the legislature itself. There is no good reason why an evening high school should not have the opportunity to produce men and lawyers if its standards are high enough.

METHOD OF INVESTIGATION

Gleason L. Archer, dean of the Suffolk School of Law, called attention to the mode adopted by the state board of education to investigate the institution upon which it filed its report. The order for an investigation was passed by the last legislature, and the state board of education did not turn a hand towards making any investigation until the first of January of this year. At that time two of the members of the state board of education called at the office of the dean of the Suffolk School, "looked over the office furniture," according to Dean Archer, and after asking a few perfunctory questions, concluded its investigation.

The state board have not attempted to study the standards of study in the institution; have not attended the sessions of the school, and their report is

based on the most superficial investigation. It is this report, based on that investigation that the legislature is asked to accept as determining the question in issue.

"BOARD WAS HOSTILE."

Dean Archer called attention also to the hostility of the state board of education to his institution. Frederick P. Fish, the president of the board, before the matter even came before the legislature, at the last session, made the statement in the presence of Dr. Snedden that he was opposed to the measure.

Dean Archer then went on to explain the work of his school. He explained that no student can graduate who has not at least a high school education or its equivalent. The standard of the school is as high as that of any evening law school. The instructors are all practicing attorneys of experience and training. Every facility afforded by other evening law schools in the country are afforded to the students of the Suffolk School of Law. He reviewed in detail the work of the school, calling attention to the success of these students who have been admitted to practice."

For some days after the hearing we were in doubt as to the result. The exultation of our opponents, however, led them to commit the fatal error of delay after they had won in committee. One of them tauntingly advised us that the report of "leave to withdraw" would be filed the next day, and advised us scornfully to get a certain member of the committee to vote for the bill; for a change of one vote would give us the victory—the committee being divided 6 to 5 against us.

We accepted his challenge. Before the session opened the next day one of our students, who was a

THE EDUCATIONAL OCTOPUS

popular representative from the senatorial district of the member referred to, stirred up so formidable a tempest for the worthy senator that he actually reversed his vote and sulkily agreed to sign the bill if it were brought to him.

The representative in question hurried to House Chairman Haines to acquaint him with the Senator's change of front. The report had already been filed with the clerk of the House. It was not too late, however, to recall the report; it not having been read in the House. So the bill was rushed over to the Senate for the desired signature.

Thus it was that we won the contest in committee. The line up of the committee is sufficiently indicated in the following quotation from the Boston Journal of that date:—

"The committee on education has at last been able to sit down for a seance with the Suffolk School of Law problem. As understood now, Representatives Haines, Armstrong, Sanborn, Wood and Grady are against granting the request of the petitioners. Representatives Lawler, Greenwood, Morill, Halley, Ross and Clark are reporting for it.

"The delay was because of the absence of Senator Ross and a doubt in the mind of Dr. Clark. There will be a mighty sharp battle in the Legislature over it, a battle which promises to be as long continued as that of a year ago, when it became a fighting issue."

THE BILL PASSES THE LEGISLATURE

CHAPTER LI.

The Bill Passes the Legislature.

The question of who would champion our bill in the House of 1913 had given us much anxious thought, for Representative Parks, who had fought so ably for its passage, was no longer in the legislature, having been appointed to the newly-created Industrial Accident Board.

It soon became apparent however that Representative James F. Griffin of Ward 22, Boston, who was now a student in the school, could be relied upon to watch the bill and battle for its interests as valiantly as Parks had done. Two other representatives had recently enrolled at the school, Edward N. Dahlborg of Brockton, and John J. Murphy of South Boston. With their able assistance I had no fear of the issue in the House.

The bill was in charge of Fred P. Greenwood for the Committee on Education. But when the debate occurred, February 25, 1913, that gentleman was unavoidably absent and Charles S. Lawler of Boston, also a member of the committee, took his place.

The debate itself was very mild in comparison with the previous year's contest. Representative Haines led the opposition as previously, but not with the old time animosity. He had already begun to manifest

THE EDUCATIONAL OCTOPUS

symptoms of that change of view that arrayed him on our side in the following year. The burden of his argument was the fact that the State Board of Education and the Bar Association were opposed to the granting of the charter.

Representative Griffin, in reply, scored the State Board of Education and warmly defended the school.

Armstrong of Somerville and Duncan of Clinton opposed the measure, while Lawler of Boston, Underhill of Somerville, John J. Murphy of Boston and Morrill of Haverhill spoke in defense of the bill.

To my surprise and delight the bill was passed to a third reading on a voice vote. I had expected that the opposition would demand a roll call, but they did not. On the following day the bill passed to engrossment.

Considerable newspaper notice was elicited by the debate and its result. One Boston newspaper, the Record, came out with an editorial approving the action of the House.

In the Senate we had a new situation to meet, for practically every senator who had spoken for our bill the previous year was no longer a member of that body, while nearly all our opponents in that body, with some reinforcements, were still in evidence. By good fortune we persuaded Senator Claude L. Allen of Melrose to champion the bill.

There was a long delay on one pretext or another, and it was not until March 11, 1913, that the bill came up for debate in the Senate. I was an interested spectator in the Senate gallery when Senator Stearns opened up his verbal batteries against the bill. Although Senator Allen was not a member of the Committee on Education, and had not heard our presenta-

THE BILL PASSES THE LEGISLATURE

tion of the case, yet the delay in the senate had given me ample time to supply him with all necessary information.

That he used such information very skilfully in the senate debate is unquestioned. He quoted facts and figures so convincingly that other senators rallied to Stearn's support.

Senator Fisher, with much sound and fury, plunged into the debate with the announcement that he was "going to tear the mask from the whole proposition," but Senator Allen sharply demanded his authority for his absurd charges, and he was obliged to lamely confess that he had no proofs except his "own intuition and common sense."

Senator Allen further punctured Fisher's charges of "money-making institution" by showing that the total revenues of the school did not exceed \$5,000 a year—hence that it could not be a source of profit to anyone.

Senator John H. Mack also spoke in favor of the bill.

On a voice vote the bill was rejected, as all bills are when there is opposition and the presiding officer is himself opposed. Half a dozen men can shout "no" louder than twice that number can shout "yes;" partly because of the greater ease of speaking the word, but also because they have the advantage of having heard the exact volume of sound of the "yes" vote.

A roll call was ordered and there was a great scurrying to and fro in the Senate chamber. Senators came in from the lobby and cloak rooms. When the vote was recorded we had won by a vote of 17 to 10, with four pairs.

THE EDUCATIONAL OCTOPUS

A third reading had already taken place without opposition, so this vote was on engrossment. Once more the Suffolk Law School charter had passed successfully through both branches of the legislature. Within three days the measure was in the governor's office, awaiting executive action. But the Educational Octopus had been intrenched in the executive offices for some days.

THE "PLEASANT EASTER" EPISODE

CHAPTER LII.

The "Pleasant Easter" Episode.

We had hoped that the passage of the bill for a second time through the legislature, especially by so sweeping a majority, would influence Governor Foss to at least permit it to become a law without his signature. Some more optimistic political prophets declared that now that he realized how popular the measure had become he would sign it as a bid for popularity.

The governor was then in the midst of one of his comedy turns. This was his third term and he had likened his terms of office to three pieces of pie and hinted that he would like a fourth piece. The newspapers had made much of it and he was taking advantage of his opportunity by frequent allusions to his appetite for pie. Popularity was what he most needed, for no governor for many years had ever been given a fourth term. The Democratic lieutenant-governor, David I. Walsh, was his logical successor and, should Foss run again, Walsh must either openly oppose him in the primaries or be delayed another year. The interest taken by politicians and citizens in the Foss candidacy was therefore considerable.

Immediately upon enactment of the bill in the legislature the students of the Suffolk Law School drew up a petition to the Governor asking him not to veto

THE EDUCATIONAL OCTOPUS

the bill without at least giving a public hearing at which both friends and enemies of the bill could be heard.

In commenting upon this editorially, the Boston Journal remarked:

"There is an element of real pathos in the make-up of the petition which has been sent to Governor Foss from the students of the Suffolk Law School begging that, if he has thought of vetoing the bill this year, that they be given a public hearing at which they can set forth their case. It may be that the document in question has been framed by some clever attorney for the school, but there is a ring of fair play in it that commands attention."

The allusion to "clever attorney" in the editorial was of course unfounded, for it was the work of the students, drawn up in my office and merely submitted to me for approval.

On the following day I wrote an open letter to the Governor, reviewing the entire situation and presenting the strongest argument of which I was capable, in an effort to influence him to allow the twice-repeated verdict of the legislature to stand. This letter attracted some newspaper comment and I was much gratified to have the Boston Advertiser come out with a strong editorial review of the letter, its opening and closing sentences being as follows:—

"The appeal which Dean Archer of the Suffolk Law School has made to the governor is strong and convincing. * * Governor Foss should approve the bill."

Every legitimate effort was put forth to counteract the manifest activity of the opposition. One of the strongest moves that we made at that time was when

THE "PLEASANT EASTER" EPISODE

I interviewed Grenville S. MacFarland, one of the most influential advisers of the Governor. Mr. MacFarland is a man of great ability and breadth of vision. After a careful survey of the matter he warmly espoused our cause and had repeated conferences with the Governor in our behalf.

Under the law in Massachusetts if a bill remains in the Governor's office for five days without the latter's signature it automatically becomes a law. Day after day passed and no veto was reported. The last day for executive action was Saturday, May 22, 1913. When noon came and no news from the bill I abandoned the long vigil, for the State Houses closes at that hour, and returned to my home in Woburn.

Mr. O'Connell was to see the Governor to make a last appeal sometime during the day. At two o'clock I received a telephone message from Mr. O'Connell, saying that the Governor had just declared to him that his only objection was that he feared that the school was a "commercial enterprise" (one of the arguments that had been refuted a hundred times during the two years.) This news convinced me that there was no hope.

A few minutes later I telephoned Henry Berlin, the newspaper reporter who had rendered such signal service to the school during the long contest, and told him what I had heard. The bill had not then been vetoed. Mr. Berlin suggested that I telephone personally to the Governor, for it could not make matters any worse than they evidently were.

The more I thought of it the better I liked the idea, for I always prefer action to inaction even though the result may be the same. I called the Governor's office and learned that he was at lunch at a certain hotel.

THE EDUCATIONAL OCTOPUS

I called the hotel and was quickly put into communication with the Governor. It was then about 2:30 P. M.

I apologized for calling him at such a time, but as this was the last day for action on the bill I desired to correct any erroneous impression that he might be entertaining concerning the school. I called his attention to the Bar Association report that had especially exonerated the school from the charge of "commercialism."

But he declared that he was not troubled on that score at all—it was the adverse report of the State Board of Education.

I said, "Governor, I wish I could have had the opportunity to tell you the real facts about the opposition of the State Board."

"It isn't too late now," he declared very heartily. "Come right in and see me. Come to my office in the State House at 4 o'clock."

I told him that I was so far out of the city that I could not reach the State House before 4:30 P. M. He set the date for our conference at that hour.

I made haste to reach Boston on time, and at 4:20 was at the State House. The Governor had not returned and was not expected back, for the executive offices were deserted. I hunted up Henry Berlin in the press room, and we talked over the likelihood of the Governor's return.

While we were in conversation on the stairs overlooking the entrance to the executive department, Governor Foss and another man hove in sight. They approached the rear door of the executive offices, beside the elevator. The Governor opened the door with a pass key and entered, with his companion.

THE "PLEASANT EASTER" EPISODE

After a moment I approached the door and knocked. It was some time before I was admitted, but presently the man I had seen with the Governor opened the door and admitted me. I sat down for a moment until the Governor called me into his private office.

He introduced me to his companion, Daniel J. Kiley, and asked me to draw up my chair.

"This man, Archer," he told Kiley, laughingly, "is the most persistent man that ever came before the legislature."

He fairly embarrassed me with compliments until I came back at him with this remark: "I have often heard that you were some 'jollier,' Governor. Now I am sure of it. But if you regard me so highly why don't you sign my bill?"

Thereupon we launched into a long discussion of the measure. No man could have exhibited more sincere and earnest attention than did Governor Foss. Every objection that he raised I answered fully until he dismissed it as of no further concern to him. I gave him a history of the school, and a vivid account of how we had been treated by the opposition during the legislative contest. He expressed his surprise and indignation, especially at the State Board of Education, and declared that he was going to give them a "call down" for it.

He waxed reminiscent and told of his own boyhood struggles, which gave me a good chance to remark to Mr. Kiley, "Does it seem possible that a man who has been through such experiences would veto a bill that gives a poor boy a chance to get an education?"

Foss laughed, and repeated as he had a dozen times during the interview, "You're going to win. They can't

THE EDUCATIONAL OCTOPUS

stop you. You've made a good fight and you deserve to win."

When I pressed him for a definite answer, he evaded the issue; although several times during the interview I heard him say over the telephone that he was still considering the bill and was then "in conference with Dean Archer."

Our interview lasted for an hour and a half. When I rose to go I reminded the governor that the next day was Easter Sunday and that my sick wife (the governor well knew, for I had told him, that she was near nervous breakdown because of the sudden death of our baby boy a few weeks before,) would be greatly cheered if I could tell her that Governor Foss was going to allow our bill to become a law.

"It's all right," he assured me, "you go home and don't you worry."

He accompanied me to the next room where I had left my coat. I had exhausted every means of securing a direct avowal, but now I made a last attempt.

"The case has been tried twice before the legislature of Massachusetts and we have won both times. Why not let this second verdict stand? If you have vetoed the bill, governor, withdraw that veto."

I hoped thus to surprise him into saying that there was no veto, for if there was then no veto in existence it was too late to file one, for the clerk's offices of both branches were closed and had been for hours.

His response to my query was to take my hand in both of his at parting, and, with "tears in his voice," to assure me that I deserved to win; he was proud to know me as a man, and that his office would be open to me at all times—come when I would.

THE 'PLEASANT EASTER' EPISODE

I pressed him again for a definite answer, and he assured me fervently that I need not worry at the outcome.

I hurried home, full of happy assurance that the long, nerve-wracking contest was over. All the evening newspaper reporters were calling me to learn what Foss had said to me, for the fate of the bill was a mystery that excited the interest of every Sunday paper in Boston.

I was finally assured that no veto had been filed and that the Governor had gone to his home for the night.

Sunday morning dawned—Easter Sunday—and a reporter informed me that he had talked with the Governor by telephone and had been assured that he had not vetoed the bill. The Boston Sunday Post came out with the following article:

LAW SCHOOL DEGREE BILL NOT VETOED

Hard Fought Measure Became Law At Midnight.

"The bill which would allow the Suffolk Law School to confer degrees has probably become a law. The Governor legally had no longer than until midnight last night to file a veto with the clerk of the House. At midnight no veto had been filed.

It was impossible to file any, because Clerk Kimball left after waiting until 6 o'clock, and the messengers on duty all night had admitted nobody to the clerk's office thereafter.

In order to file a veto message it would have been necessary for one to force an entrance.

THE EDUCATIONAL OCTOPUS

A veto had been expected all day, but the governor was in conference late in the afternoon with Gleason L. Archer, Dean of the Suffolk Law School, and held out hope that the bill might be allowed to become a law.

The governor, however, refused to state, when he left the State House at a little after 7 o'clock, whether or not he intended to allow the bill to become a law."

The article then went on to give a history of the two years of legislative controversy over the bill.

The article was widely read, for at intervals all day Easter Sunday I received congratulations by telephone from students and friends of the school. It was a day of rejoicing indeed—one of the very happiest days of my life. The name of Foss was no longer hateful to me. I had forgiven him amply and fully for all the heart-ache and sorrow he had given me the year before. I told myself that it was better to have the contest end as it had than to have won in 1912.

Then, because my gratitude to the governor was so great, I arose early Monday morning in order that I might call upon the governor in person at the beginning of his day at the State House to express my fervent thanks. It was early when I reached the State House, so I proceeded to the City Press Room to exchange congratulations with Henry Berlin and to thank him for his long continued zeal in behalf of the school.

But to my utter amazement I found him, not overflowing with enthusiasm as I had expected, but in a state of extreme agitation. He grasped my hand and in a torrent of oaths and imprecations conveyed the astonishing intelligence that I had been the victim of a fiendish hoax—that Foss had secretly vetoed the bill two hours before my interview with him on Saturday.

THE 'PLEASANT EASTER' EPISODE

So stunning was the blow that I could not believe him. Not until I had seen the veto message in the hands of Clerk Kimball of the House, could I be brought to believe that a veto existed. Even then I refused to credit that it was there with the governor's acquiescence. It must be the work of some of our enemies—the governor had changed his mind after signing it and it was filed without his knowledge. I hurried to the governor's office, but the attendants informed me that he had not arrived.

So I paced the corridors in a tumult of emotions, trying in vain to fathom the mystery. Somebody informed me that the governor was in, despite the report I had heard. I returned and demanded an audience with the governor. While the attendants were making the excuse that he was too busy to see me, I caught sight of the governor as he passed an inner door and before the astonished clerk knew what had happened I had "sailed" past him and was confronting the governor.

Foss started violently when he saw me, but instantly recovering his self possession, rushed up to me and passed his arm lovingly through mine and marched me down to the window that overlooks the State House grounds. We were in the long corridor-like office between the outer office and the council chamber. Foss stood beside me making believe look out of the window.

"Governor," I began, "I have just heard that a veto of our bill has been filed with Clerk Kimball."

He chuckled gleefully and replied, "Well, the strangest things do happen around this State House."

"Can't you call it back, governor?"

He laughed some more and said, "No, I can't call it back."

THE EDUCATIONAL OCTOPUS

"But," persisted I, "if it got in there by mistake it is not in law a veto. You can call it back."

"It didn't get in there by mistake. I sent it in."

"You sent it in there!" I cried, just beginning to see the truth. "You sent it there two hours before—two hours before our interview. Why didn't you tell me Saturday night?"

"If you wanted to see me I had no objections," he chortled.

"For God's sake, governor," I burst out, "how could you do such a thing!"

"I wanted you to have a pleasant Easter Sunday," he cried, and laughed himself purple in the face.

What I said after that I have no clear recollection. The desire to plant my fist on his ugly mouth was an almost overmastering passion. Perhaps he saw something of it in my face, for he turned upon me with a face of such malignant hate as I never beheld in any other human countenance, and cried out in tones of menace, "Now don't make a fool of yourself. You deserve to get licked. You've got it in the neck. Now don't squeal."

It is a matter of pride to me now that I got out of the governor's office without having committed a breach of the peace.

CHAPTER LIII.

"Pitiless Publicity."

My intense indignation at the treatment I had received was by no means lessened when I reported the occurrence to the newspaper men in the City Press room.

"Give out a statement to the press, give him his own 'Pitiless Publicity' "—(that had been a campaign slogan of his)—urged Mr. Berlin, and the others joined in the request.

They argued that it would be a public service to show the people just the sort of man they had placed in the governor's chair. They related other stories of outrageous duplicity of which the governor had been guilty, but which had never come to light.

They besought me to dictate a statement. The late Mr. Copeland even started to write an article to submit to me. But I told them that I needed time to recover my self possession before I could be sure what it was wisest to do.

Leaving the State House, I consulted hurriedly with my friends and found them as outraged as I at the governor's conduct, but hopelessly divided on the question of whether I should issue a statement.

One of them, for whose political sagacity I had great respect, pointed out to me that if I issued the state-

THE EDUCATIONAL OCTOPUS

ment, although it were perfectly true, it would be promptly denied by the governor and the people would take his word rather than mine—that I would be the “goat” and the school permanently injured.

However, I consulted others, for I desired greatly to expose the astounding treatment I had received. It was General Bartlett’s telephone advice that turned the scales in favor of exposure of the governor. When the General’s first explosion of rage at the happening had subsided, he said,

“I never knew telling the truth to hurt anybody. Go ahead and we’ll all stand by you.”

The die was cast. I locked myself into my office; refusing even to answer the telephone which rang insistently, and addressed myself to the task of writing an open letter to the legislature, setting forth the treatment I had received. I wrote it out long-hand and afterward typewrote it. The eager newspaper men had supplied me with a book of “flimsy,” (sheets of tissue paper with special carbons between), so that from one writing on the typewriter I produced a dozen or fifteen copies.

The majority of these copies I turned over to Henry Berlin for distribution to the State House reporters. Fortunately for me, it was vacation at the school so I went home and to bed with a raging headache.

The next morning I was almost appalled at the sensation I had created. Every newspaper that I could put my hands on had my story in conspicuous form. It was the big feature of the day. The story in the Globe had four headings.

SAYS FOSS DECEIVED--ARCHER WRITES LEGISLATORS. CONFERRED WITH HIM--VETO ALREADY IN. GOV- ERNOR WANTED TO "GIVE HIM A PLEASANT EASTER"

Other newspapers throughout the state took up the story and it at once became a state-wide sensation, destined to have far reaching results, as will be seen hereafter. In this connection, therefore, I will offer the letter exactly as it was published in the newspapers, March 25, 1913.

"To the Members of the Legislature:—

I invite your attention to the conduct of Governor Foss with reference to the Suffolk Law School veto. The students of the school had petitioned the governor for a hearing on the bill, but no hearing was granted. Saturday last at half past two in the afternoon, I talked with the governor over the telephone and expressed my earnest desire to be heard on the bill before he took action. He invited me most cordially to meet him at the State House at four o'clock. I told him that as I was out of town it might not be possible to reach his office at four, so he set the time at half past four. I met the governor at his office at the time stated and there was a Boston man present at our interview, which lasted for nearly an hour and a half.

THE EDUCATIONAL OCTOPUS

The governor discussed the case at length, and seemed to be sincerely endeavoring to reach a conclusion.

"I did not know at the time that he had already vetoed the bill—that he had sent his message to the clerk's office before inviting me to meet him—that he was practicing a cruel deception upon me. While he made no promises, he certainly gave me the impression that he would act favorably. After I reached home in the evening I was called up on the telephone by newspaper reporters who informed me that the governor had gone home and that the bill had not been vetoed. Sunday morning a reporter informed me that he had just talked with the governor over the telephone, and that he had declared that he had let the bill pass and that it was already a law.

"So after receiving congratulations innumerable on the success of the measure, and a day of happy assurance that our two years of bitter contest were ended, I was dumfounded to learn this morning that it was all a cruel hoax, perpetrated by the man who has three times been honored by the people of this commonwealth by the highest office in their gift.

"When I called at Governor Foss' office this morning he gloated over the trick he had played and declared that he merely wanted to give me "a pleasant Easter Sunday." Ye Gods! A pleasant Easter Sunday. But what of Monday?

"Why did Governor Foss invite me to see him when he had already vetoed the bill, and put me to the trouble of making the trip to Boston? Why did he give me a hearing from half past four to six o'clock when one little word would have ended it all? Why did he tell the newspaper reporters that the bill was a law?

"PITILESS PUBLICITY"

Because, forsooth, he desired that I should have a pleasant Easter Sunday!

"Do you, as a member of the legislature, approve such conduct? I know you do not, but will you not manifest your disapproval by voting to pass this bill over the governor's veto? But aside from the personal matter—this bill has been enacted by two successive legislatures. We all believe in majority rule. Why should the will of one man be allowed again to set aside the carefully considered verdict of the 280 representatives of the people of Massachusetts?"

Very truly yours,

Gleason L. Archer,
Dean of Suffolk Law School.

When I visited the State House on March 25th, I found myself the object of considerable attention. The governor's ears might well have burned at the complimentary remarks concerning him, voiced to me by members of the legislature who came to me to express their sympathy—and to promise vengeance when the veto fight should come on.

Nor were these expressions confined to members of the legislature. Everyone at the State House who had suffered from the gubernatorial jests, now saw an opportunity to revenge themselves by helping to swell the tide of resentment that was so rapidly rising.

One young man in particular, Walter L. McMennimen, State House legislative agent of the Locomotive Engineers, came to me and introduced himself.

"I never have taken a hand in anybody's fight but our own," he announced, "but if I can help you to put your bill over Foss' veto, I am going to do it."

THE EDUCATIONAL OCTOPUS

He then related a similar experience that his organization had had with the governor on the "full crew" bill of the previous year. No more energetic worker did we have during the next two days than Mr. McMennimen; and it was a time when the fighting blood of every friend of the Suffolk Law School was at fever heat. We were all on the battle line at the State House.

CHAPTER LIV.

A Jolt for the Joker.

To tell the truth, I did not entertain very much optimism at the outlook for victory over the Governor in the House; for a two-thirds vote would be necessary, and we must rely largely for whatever vote we might receive upon the members of the Governor's political party—the Democrats. For this reason on Wednesday afternoon, March 2, 1913, I took a seat in the front of the crowded gallery, rather than on the side lines of the House floor, where I was accustomed to sit when a battle was in progress.

A sharp debate was expected, and a perfect mob of spectators were on hand. Nor were they disappointed. Representatives Griffin, Murphy, Greenwood and E. E. McGrath scored the Governor in the severest language. The only person to rise in opposition to the passage of the bill over the veto was Haines of Medford, who openly confessed that he deeply resented the governor's conduct and wished that he might vote accordingly.

One of the best descriptions of the debate that I saw at the time was contained in the New Bedford Standard, as follows:—

“Governor Foss came about as near repudiation by the members of his own party as is possible for a chief executive. The fight on passing over the governor's

THE EDUCATIONAL OCTOPUS

veto the bill allowing the Suffolk School of Law to confer degrees became purely a personal issue, and many members who had previously voted against the bill on principle voted to override the veto simply because they felt that the governor had been guilty of practices unbecoming a gentleman, and particularly the chief executive of the Commonwealth.

"It was stated in debate on the floor of the House that the governor had deliberately misstated facts, and while such language ordinarily results in a resounding whack of the speaker's gavel, on this occasion it passed unnoticed by the presiding officer and there was not a single member of the governor's political family to protest."

The roll call began. I endeavored for a time to keep tally—a somewhat difficult feat even for one who is not laboring under excitement as I was at the time. We were polling a heavy vote but not, I feared, sufficient for success, and I gave up the attempt to keep tally.

I was in the midst of as excited a crowd of "fans" as ever gathered at a ball park, and I was comforted to learn, as I did speedily, that they were violent partisans of my side, although I had never met any of them.

Groans were offered on every occasion when a group of "yes" votes were recorded, and chortles of laughter when a long string of "Nos" came up from the floor below. When they began to exult "we're licking him—we're licking him" I began to take interest, and inquired of the group beside me how the vote stood. We had two thirds and one vote to spare at the moment, but the tide turned instantly and soon we lacked half a dozen of the necessary two-thirds. This was but momentary, however, for representatives who had

A JOLT FOR THE JOKER

been in other parts of the building came flocking in to be recorded, and nearly every vote was hostile to the governor. Whereupon the "fans" went mad.

Some of them had leaned over the railing and peered down into the portion of the House where I usually sat, and one said to me, "Why isn't he here today—he ought to be here."

"Who?" I asked.

"Dean Archer!"

But just then the vote was announced. We had won by a vote of 155 to 67. Forgetting its dignity, the House cheered. The gallery was wild with enthusiasm. Certain newspaper men from the press gallery began a frantic gesticulation for me to meet them outside in the corridor.

This revealed my identity to the gallery in which I sat. When I arose and went hurriedly out, the crowd was cheering me to the echo.

We had inflicted heavy chastisement upon the governor, and the gloom of Easter Monday was quite forgotten.

CHAPTER LV.

The Governor at Bay.

It is but natural for people in general to espouse a cause after a victory has been won. Our victory in the House certainly brought out hosts of friends. A clipping bureau, that had been engaged during our legislative fight, now began to bombard me with bulky envelopes of clippings from newspapers all over the state.

News items and editorials came pouring in, and the great majority of them took my side of the controversy. It would be an unwarranted use of space in this volume to attempt even a summary of these items and editorials, for I have a large scrap book full of them.

The remarkable change of tone of the leading newspapers toward the governor now roused his political enemies to a sense of the opportunity to rid the party of his unwelcome leadership.

Even on March 26, the morning before the veto contest, the Boston Herald had declared at the close of a long and bitter editorial arraignment of the governor:

"It is not the first time that men of repute and prominence have been the victims of the governor's curious taste in joking. * * * We respectfully suggest to Governor Foss that before he makes further arrangements

THE GOVERNOR AT BAY

to obtain a fourth cup of tea, he mend his ways in the matter of joking. The hilarity following his official ventures into fun making is altogether one-sided."

But the most significant political prophecy of that period was voiced by the Fall River Globe of March 29, 1913, a prophecy that months later was strikingly fulfilled.

"Governor Foss has undoubtedly seriously injured his chances of securing a re-nomination at the hands of his party."

After discussing the facts of the "Pleasant Easter" episode, the editorial concludes:

"The conviction is growing every day that if Foss runs for governor again next fall, he will be forced to do so without any organized party behind him."

Ex-Mayor John F. Fitzgerald of Boston was the first Democratic leader to openly break away from the governor. In his "Republic" he commented thus upon his former chief:

"Governor Foss certainly got himself in bad in his treatment of Dean Archer of the Suffolk School of Law on the question of his signature to the bill which passed the legislature giving the school the right to confer degrees. Unfortunately for the governor this is not the first time he has done like things, though they have not gotten the publicity that this last incident has received. People that know Governor Foss the longest and the best cannot explain his peculiar point of view on many matters. He will turn down his best friends and those closest to him, and, slapping his hands upon his knees, assure them that they are all right, and that the thing that he is doing is the best thing for them. He does not hesitate to say things to

THE EDUCATIONAL OCTOPUS

people and 24 hours afterward to say the opposite thing. Dean Archer makes the statement:

“‘When I called at Governor Foss’ office this morning he gloated over the trick he had played and declared that he wanted to give me a ‘pleasant Easter Sunday.’ Ye Gods! a pleasant Easter Sunday—but what of Monday?’”

“This is not a statement that a man who thought himself fitted for the Presidency should feel proud of.”

But the most caustic editorial of all was that of the Boston Sunday Herald, March 30, 1913:

WHY THIS COMMOTION?

“It is extraordinary the attention now given by press and public to the commonplace and undramatic experience of Dean Archer of the Suffolk Law School with Governor Foss. Even the phrase, ‘I wanted you to feel happy over Easter,’ which his excellency subsequently used in explaining to the Dean why he had so elaborately misled him as to the situation, has passed into current slang. The man on the street introduces a project, jocular or otherwise, for getting the better of his associate with the words, ‘I wanted you to feel happy over Easter.’ This sentence has become the countersign of the ‘Flim Flammer.’ * * * Associates of Governor Foss have given way to no extreme emotions of surprise over the episode. They merely said ‘Why not?’ and then, when they had occasion to tell how Smith ‘did’ Jones in a horse trade, they have made the point clear by saying that the former wanted Jones to be ‘happy over Easter.’ Thus our language grows! Thus its phrases ripen into new meaning. * * It is now nearly half a century since Massachusetts

THE GOVERNOR AT BAY

has given a governor more than three terms. That governor was the sainted John A. Andrew."

It is small wonder that Governor Foss took great alarm at the storm I had raised about his head—a storm that started the landslide which so effectually buried him a few months later. When my story had been given out to the press, he was only mildly amused. In the words of the *Globe* on the morning my statement first appeared:

"When the governor heard of Dean Archer's communication to the members of the House on the subject he only smiled."

The smiling stage was now past, however, and the governor was bending every power of his office to defeat the bill in the Senate and thus to vindicate himself. All his political lieutenants were at work.

When the veto came up in the Senate it was repeatedly postponed, a ruse to gain time. One by one our friends were whipped into line with the governor. One of the very senators who had spoken most eloquently for our bill was now openly proclaimed in the newspapers as leading the fight against the bill. Another who had been very loyal in support of the bill for two years was chosen by the governor to read a grossly untruthful eleventh-hour statement to influence the vote in the senate.

So even before the day of decision in the senate, I was painfully aware that the veto would be sustained.

CHAPTER LVI.

Exit Governor Foss.

On April 1, 1913 the veto contest took place in the senate. The governor's forces had evidently answered "ready." The prearranged plan of action was now to be carried out. But the governor was quite evidently taking no chances on the result; for his "political secretary," George Harlow, came into the Senate chamber at the beginning of the session and stood near the messengers' desk, as though to witness the delivery of the vote.

This action so incensed Senator James H. Brennan of Charlestown that, in the course of the debate, he paid his respects to the governor in a burst of fiery denunciation, for "sending his representative into the senate chamber."

Senator Allen opened the debate for the school; and his efforts were ably supported by Senators Brennan, McCarthy, Bagley and Garst. Those who spoke against the measure were Senators Stearns, Fisher and Quigley. It was Senator Quigley to whom the governor had intrusted the mission of reading a personal letter, which declared that my statement was "a desperate fabrication contrived and circulated for the obvious purpose of affecting legislation."

The vote was taken, and six of the Democratic Senators were now against us. One Democrat senator who

EXIT GOVERNOR FOSS

voted with us, Thomas M. Joyce, came from a sick bed to register his rebuke of the governor. The vote was 14 to 21 and the Governor's veto was sustained.

But the governor's letter had now added a new chapter to the "Pleasant Easter" controversy. On the following morning the newspapers were full of it. The Globe devoted nearly half the first page to the matter, with my picture in a very conspicuous display.

GOVERNOR FOSS GIVES LIE TO DEAN G. L. ARCHER.

STATE SENATE KILLS SUFFOLK LAW SCHOOL BILL BY SUSTAINING VETO BY VOTE OF 14 TO 21.

QUIGLEY OF HOLYOKE MADE OFFICIAL SPOKESMAN TO THE BODY.

PUBLISHED VERSION OF INTERVIEW IS FLATLY DENIED BY LETTER.

HEAD OF INSTITUTION INVOLVED REPORTS THAT ACTION OF EXECUTIVE WAS COWARDLY AND IN BAD FAITH.

Then followed a long article summarizing the entire controversy, and giving the governor's statement and mine.

But the report of the matter in the Boston Traveler of that date had all other papers outdistanced for spectacular handling. Almost the entire front page was devoted to the affair. In a large horizontal panel across the top of the page they had placed my picture on one side, with the governor's on the other; and between us were two articles, "What Gov. Foss said of Dean Archer," and below it, "What Dean Archer says of Governor Foss."

THE EDUCATIONAL OCTOPUS

In order that the reader may fully comprehend the exact situation, the Foss letter and my reply are herewith printed in full.

GOV. FOSS' LETTER.

"Dear Senator:—A public official cannot deny every erroneous report concerning his public or private acts, and it is my general rule to pay no attention to such matters. When, however, a personal statement that is at every essential point a pure fabrication is sent to members of the Legislature for the obvious purpose of influencing the vote on an important public question, it becomes necessary to take cognizance of a matter otherwise unworthy of attention.

"On Saturday, March 22, Dean Archer of the Suffolk Law School asked for an interview in order that he might make a statement concerning his case. I therefore arranged to see him, and in the interview went over the entire matter. I did not tell him in advance of the reading of the veto message to the Legislature that I had vetoed the bill, but the entire conversation, like others I had the same day with other advocates of the bill, proceeded upon the assumption that it was my intention to veto the measure. Almost the last words of Mr. Archer as he left the office were: 'The Legislature has passed the bill twice. Won't you recall the veto and let it go by?' My recollection on this point is confirmed by a gentleman who was present during the interview.

"Mr. Archer's statement concerning the interview of Saturday is therefore incorrect at every point. In his further statement that I told the newspapers that the bill had become a law he is also wrong. The news-

EXIT GOVERNOR FOSS

paper representatives were told before my office closed for the day that no statement concerning my action would be made until Monday. The same announcement was made from my home Saturday evening in reply to repeated telephone calls. Mr. Archer's further statement about our interview on Monday morning is as incorrect as the others. Since he received on Saturday no intimation of an intention to allow his bill to become a law there could have been no point in the poor jest he attributes to me.

"This statement I issue not for personal reasons, but in order to counteract the effect of a desperate fabrication contrived and circulated for the obvious purpose of affecting legislation. The concurrent opinion of the State Board of Education, the Massachusetts Bar Association and the Boston Bar Association is against the proposed measure; and the frantic attempt to win sympathy by a false statement concerning an interview in this office should convince every one that it is unwise to confer further powers upon the institution in question.

"Yours very truly,

"EUGENE N. FOSS."

MY STATEMENT:

"Gov. Foss in his letter to Senator Quigley, which the latter read in the Senate yesterday before the vote on the Suffolk Law School veto was taken, asserts that my letter to the members of the Legislature, March 24, was 'at every essential point a pure fabrication.' Every word contained in my letter was absolutely true, and, in spite of his outrageous assertion, the Governor himself admits the truth of prac-

THE EDUCATIONAL OCTOPUS

tically every one of them in his letter to Senator Quigley. He admits that he 'arranged' to see me; that he did see me, and that we went over the entire matter, although, as he alleges, the veto had already been filed two hours before.

"These are the material points of my statement that the Governor characterizes as 'a pure fabrication.' He says that he did not tell the reporter Sunday morning that he had taken no action on the bill, yet I can produce the man and he will take oath to the correctness of his statement. He says that my statement of our interview on Monday morning, when he gloated over me, is incorrect. I stated then, and I am willing to take oath to the fact now, that he explained his deception by saying that he wanted me to have 'a pleasant Easter Sunday.' When I reproached him he became abusive and said among other things: 'You've got it in the neck. Now don't squeal.'

"It is significant that the Governor waited for eight days before replying to my statement and then had his letter read to influence the vote of the Senate just before the vote was taken, and when I could not possibly respond.

"He asserts that I used the expression, 'Won't you recall your veto?' I did use the expression, but only after I had exhausted every other means of getting a direct reply. I hoped thus to surprise him into saying that there was no veto in existence. His response to my query was to take my hand in both of his at parting and with 'tears in his voice' to assure me that I deserved to win; that his office was open to me at all times—come when I would. I pressed him again for a definite answer and he assured me fervently that I need not worry at the outcome.

EXIT GOVERNOR FOSS

"I was guileless enough to believe that no human being could be guilty of such hypocrisy, especially after he had assured me during the interview that he was convinced that the state board of education had used the school shamefully in reporting adversely without having investigated the school.

"Were it not for the fact that the Governor's charge that I had falsified in my statement to the Legislature was so made that it is in law an absolutely privileged communication I would sue him for libel; but as it is, I must submit to the outrageous insult from his excellency.

"But now that Gov. Foss has started to explain things at all I wish he would tell the public how he justifies himself for twice vetoing our school charter when he is himself a trustee of the Y. M. C. A. law school, the rival school that has been our chief opponent in both contests.

"I wish he would explain also how he justifies himself for being trustee of a school whose degree-granting power he refers to in his veto message as a 'wrong' that should not be repeated.

"I wish he would explain how he justifies himself for coercing senatorial support, as he did so shamelessly in the recent contest on his veto, forcing friends of the measure to vote against it, contrary to their inclinations. Is there not a provision in the constitution that none of the three branches of the government shall usurp the functions of the others?"

For some days there were echoes of the personal issue thus raised; but of the editorials that came to my attention each took my side of the controversy. The one most pleasing to me, however, was that in

THE EDUCATIONAL OCTOPUS

the Boston Traveler-Herald, April 4th, entitled, "Foss versus Archer," a portion of which was as follows:

"The fact remains that, in a public statement, the Governor of the Commonwealth was charged with deceit and untruthfulness by a gentleman with whom, less than forty-eight hours before, he had had an intimate discussion by appointment. Instead of replying as soon as the charge was made, the governor waited for more than a week, and then wrote a personal letter to the young senator from Holyoke, who had undertaken to defeat for the governor a measure to which he was very much opposed.

"The letter to the average man did not represent an indignant repudiation of a serious charge against the Governor's veracity so much as it did a desperate attempt to undo in the Senate what had been done in the House. * * * The governor should take to heart his experience with one man who could not appreciate the intellectual processes of the chief executive of this commonwealth, and was not afraid to say so."

The Chelsea Gazette, in the course of an editorial on the Governor's conduct, expressed its convictions in this wise: "There is no man so dangerous in public life as the trimmer; you can watch a thief, but a liar is beyond control."

As I have before indicated, this controversy had far reaching effects. It was the subject even of anti-Foss poets. The Boston Chamber of Commerce in its spring "gambols" dramatized the affair, with actors impersonating the governor and myself. It was said to have been the "hit" of the evening.

But as a political weapon, my story was turned upon Foss in the following autumn with telling effect. The words of the Fall River Globe had come true. Foss

EXIT GOVERNOR FOSS

was running for re-election as an independent, without a party behind him. All three of the great parties, Democrat, Republican and Progressive, each fearing the governor as much as their regular opponents, were belaboring him with might and main. My "Pleasant Easter" letter was being read at political rallies all over the State.

When the votes were counted in the state election, Governor Foss had received but twenty thousand as against about two hundred thousand the year before. I will close this chapter with a statement that appeared in the Boston Globe of November 6, 1913:

"It is to be feared that Dean Archer of the Suffolk Law School hasn't a forgiving disposition. He quotes to Governor Foss now what he says the governor said to him last spring, 'You've got it in the neck. Now don't squeal.'"

THE EDUCATIONAL OCTOPUS

CHAPTER LVII.

The Great Victory.

The State Election of 1913 resulted most pleasingly for the school. Not only did David I. Walsh win the governorship but the whole Democratic state ticket was also elected, including Thomas J. Boynton, president of our school corporation, as attorney-general of Massachusetts. The way was now apparently open for the Suffolk Law School charter.

The school itself had increased to a total attendance of one hundred and forty students. In December 1913, we tendered a grand reception to our new attorney-general. In January 1914, the third year of our legislative contest opened, with the usual preliminary skirmishes with the State Board of Education.

The hearing before the Committee on Education was held February 17th, 1914, and what transpired there was well summarized in the Boston Globe of that date, from which the following is quoted:

SUFFOLK LAW SCHOOL FIGHT IS ON AGAIN.

Atty. Gen. Boynton Heard In Behalf of Bill.

Petition for Right to Give Degrees Opposed by the
State Board.

THE GREAT VICTORY

"The fight in behalf of the Suffolk Law School, which seeks the right to grant the degree of bachelor laws to its graduates, was resumed again at a hearing this morning before the committee on education. This is the institution made famous through Ex-Gov. Foss' controversy with Dean Gleason L. Archer. * * * This morning's hearing was made especially notable by the fact that Atty. Gen. Thomas J. Boynton appeared in behalf of the bill as president of the Board of Trustees; also by the fact that a senator and a representative, who last year were against the measure, came before the committee to say they wished to be recorded in favor. Dr. David Snedden of the State Board of Education, spoke in opposition, presenting his chief arguments in the form of a report made by the commission concerning the school at the request of the legislature. * * * Representative Haines, who in previous years has opposed the institution as a member of the legislature, came before the committee to say that this year he favors the passage of the bill because the school has stood the test and has proved its stability.

Senator Henry J. Draper, who last year voted to sustain the governor's veto, announced that he is with the institution firmly this year."

The weakness of the opposition arguments is evident from the following:

"Chairman Snedden of the State Board of Education said the board does not pretend to pass upon the question of granting degrees, but he believed the committee should consider the matter very seriously, as a degree means that the State indorses a man. It isn't a question of the poverty or the wealth of the applicant, but a certificate that the holder of a degree

THE EDUCATIONAL OCTOPUS

possesses certain qualifications. The State Board of Education, he asserted, takes no responsibility for the State granting the power to give degrees to the Y. M. C. A. Evening Law School and does not defend it. A. L. Goodwin, secretary of a committee of the Boston Bar Association, said that the association, as the result of its investigation, is not prepared to change its attitude in the matter of granting the Suffolk Law School the power asked.

Hearing closed."

Of the legislative contest there is really little more to tell. From this time forth the course of the school charter was like a triumphal march. It received a unanimous report from the Committee on Education. It passed the House as a matter of parliamentary routine. In the Senate it bowled over the opposition to the tune of 26 to 9. It went to the governor.

I took no chances this time. When the bill arrived from the senate, I had so arranged it that Attorney-General Boynton, Secretary of State Frank J. Donohue, and State Treasurer Frederick W. Mansfield, three staunch friends of the school, were in the executive office to urge immediate signing.

Although every power of the opposition had been exerted on Governor Walsh to move him to a veto, he signed the bill in the presence of his three distinguished colleagues and presented the pen to Representative George J. Wall, a student in the school, who immediately presented it to me.

I did not personally witness the last act in the drama. I was anxiously waiting in the outer office—"Agony Corner," as it has so aptly been dubbed by the newspaper men. My first knowledge of the great

THE GREAT VICTORY

event was when Mr. Wall, suddenly emerging, executed a war dance in my presence, flourishing the fateful goose-quill pen with which the charter had been signed.

I have since learned that when the governor started to affix his signature, someone suggested that I be called in to witness the act, but Mr. Boyton said,

"No, not for a thousand dollars a second would I stop him now that he is signing the bill," and to this sentiment I have a hundred times added, "Amen."

The great battle was over. The dream of my life had been realized, and even the splendid newspaper articles of congratulations that were forthcoming could not add to my happiness in this hour of triumph.

For three years the strangling arms of the Educational Octopus had striven mightily to crush us, but had utterly failed. The eager efforts of boards, committees, associations and a venomous governor, willing tools of the great octopus (and also allied with the lesser octopi that sought to profit by the downfall of our school), were now swept aside at a single stroke of a pen.

From that hour the Suffolk Law School has risen with a burst of prosperity and progress little short of miraculous. From rented quarters in Tremont Temple in 1914, it has established itself in a magnificent home of its own on the very top of Beacon Hill close by the State House. To that home it has now added a modern fireproof annex, with an equipment equal to the best evening law school in America.

But that is not half the story. From slightly over one hundred students in March, 1914, it has increased so amazingly that now, in December, 1915, we have more than five hundred enthusiastic and loyal students.

THE EDUCATIONAL OCTOPUS

in regular attendance—one hundred more than our old-time rival ever had!

So far as we are concerned as a school, therefore, the incident might well be closed. But there is a broader conception of duty. Though we have fought and won, the State and all things educational are still strongly held in the all enfolding tentacles of the mighty Octopus. My concluding words, therefore, shall be addressed to "Massachusetts and its Master."

CHAPTER LVIII.

Massachusetts and Its Master.

The hope of our Nation is in the children, especially in the children of the working man. The training of children for the business of life is the most important work of the world, as our forefathers wisely recognized. Any organization, therefore, whose positive ideal (not openly professed but secretly labored for*) is that the son of the working man should be kept in his place—the place where he was born; that he should be denied the opportunity to compete with those whose parents could surround them with the advantages and luxuries of life, is an organization inimical to the welfare of the State.

That the men who compose this organization are honest in their intentions I have no doubt. Bred as

* Few of those who hold such views are as outspoken for their ideal as a speaker at the opening session of the Massachusetts Society for Mental Hygiene in Ford Hall, Boston, November 17, 1915, Dr. William A. White, who declared, according to the press reports, "The daughters of the poor who go to school and learn a little algebra, Latin, history and music are spoiled for their positions in life and we all know what happens then. They are too good for their positions as daughters of the poor and not good enough for anything else. Education in this way may be very harmful.

"This is also true of the child who is born to be a brick layer. It is all nonsense to educate him above it. What is needed is a vocational psychology. Then we won't educate people to be something that they never can be."

THE EDUCATIONAL OCTOPUS

they have been, apart from the struggling masses of humanity and out of touch with the great human pulse of the world, (or if born in poverty, aping the aristocrat), they have come to that state of mind that generations of privilege invariably brings—the belief in the divine right of the classes to think for and control the masses. They blindly forget that the giant intellects and the mighty men of the past have come from the masses which they seek to keep down. And this repression of the masses and the creation of a favored upper class is the very spirit that has spilled the life blood of every nation or republic of ancient times.

Then, if that organization is so powerful that it can impose, as it is even now, this un-American ideal upon the State by spreading out its tentacles to grasp and hold in its control the school system, which trains the childhood of the State; the State Boards of Examiners for admission to the great professions; the educational activities of associations ostensibly formed for the benefit of the poor and, in large measure, the direction even of organized charities, we have an organization that should challenge the thoughtful attention of the people of Massachusetts.

It is a thankless task to point out the organization—the Educational Octopus of Massachusetts, around which the lesser octopi revolve—for other universities have imbibed its spirit. New England's superstitious reverence, born in the flesh and bred in the bone, for this particular organization cannot be shaken by any words of mine. It will doubtless be deemed sacrilege on my part to attack so venerable a superstition. Many years, it may be, before the people will fully awake to the real situation, for we have been taught by two hundred years of precedent to revere as the

MASSACHUSETTS AND ITS MASTER

crowning glory of Massachusetts the "University across the Charles."

The State has given this spoiled child of hers millions of dollars in rebated taxation. Incalculable treasure has poured into her coffers from private givers. And now the child of the State has come to regard itself as the master of its parent.

Dyed-in-the-wool aristocrats from Harvard are placed in every educational position of importance in the State. An overseer of Harvard and a Harvard College professor control the State Board of Education, that board so important to the welfare of the State. Is there not in their present industrial educational scheme the working out of the Harvard ideal—the training of immature children of the poor to follow in the occupations of their parents?

Harvard professors and officials are distributed in strategic places in all boards and commissions having to do with matters of education, and where officials cannot be so placed, arrogant sons of Harvard are sure to be found.

But wherever you find them in such places of responsibility they are not the Harvard progressives but the Harvard reactionaries with their contempt for the "cart horses" as they term the sons of the working man, and their belief in the "divine right" of the lettered aristocracy.

To be sure they have a plausible democracy to express to the public; but when you have occasion to close with them in a serious contest, where teeth are bared and private opinions blurted out, it is the same story of sacred rights of the privileged classes that must be protected against the assaults of the boorish common people.

THE EDUCATIONAL OCTOPUS

This is strikingly illustrated in their dealing with the Suffolk Law School charter. The University itself did not fear the competition of my school, but it did view with alarm the prospect of Suffolk graduates, self-made men with a native wit that surpasses any university education as an equipment for practice, coming into competition with the spineless aristocrats who form so large a proportion of Harvard Law School graduates.

So this mighty educational octopus set out to crush our youthful institution. The President of the University opposed us at our first legislative hearing. We were "investigated" by Harvard overseers, professors and trusted sons of Harvard; and when all their efforts had failed with the representatives of the people, they went to the governor with their full array of Boards, Associations, Y. M. C. A.'s and Harvard itself.

When one sees, as I did, the President and others from Harvard, vanishing into the executive offices of the governor to instruct him to veto legislation twice enacted by the representatives of the people, the "invisible government" becomes visible and the meaning of all the concerted opposition from the sons of Harvard in the various State Boards and organizations becomes startlingly apparent.

There is too much "big business," and the methods of "big business," in educational circles in Massachusetts; but when an educational trust reaches out for control of all things educational in the State, it is time for thoughtful men to ponder upon it, and to look up the antecedents of those who now control our State Boards and associations.

But then——What?

INDEX OF PERSONS.

- ALBERS, Homer, 187, 226.
ALLEN, Claude L., 236, 237, 262.
ALTMAYER, A. L., 52.
ARCHER, Allen F., 73, 74.
ARCHER, Mrs. G. L., 51, 52, 59, 62, 73, 139.
ARCHER, Hiram J., 15, 18, 26, 46, 51, 63, 64, 68.
ARNOLD, Miss Sarah L., 222, 225.
BAGLEY, Edward C. R., 262.
BAILEY, Hollis R., 112, 114, 115, 121, 123, 134, 135,
136.
BAKER, J. Herbert, 182.
BARTLETT, Chas. W., 161, 162, 172, 173, 174, 180,
198, 199, 208, 214, 218, 232, 250.
BATES, Sanford, 192.
BENNETT, John A., 76, 78, 79, 109, 155, 159, 160.
BERLIN, Henry C., 180, 181, 241, 242, 249, 250.
BIGELOW, Melville M., 29, 30, 31, 76, 78 104.
BOYD, Prof. A. C., 79, 107.
BOYD, J. Merrill, 29, 76, 78, 79.
BOYNTON, Thomas J., 77, 79, 82, 109, 110, 131, 155,
159, 160, 172, 174, 198, 199, 208, 270, 271, 272, 273.
BRENNAN, James H., 262.

INDEX OF PERSONS

- BROWN, Roland E., 51, 86, 87, 88, 101.
BRUCE, Chas. M., 110.
BUSH, George L., 50.
CARVER & BLODGETT, 35, 37, 41, 43, 46, 56, 60, 64.
CAVANAGH, James F., 166, 167.
CHANDLER, Webster A., 64, 120, 155.
CHASE, Chas. N., 50.
CLARK, Dr. Ezra, 176, 181, 234.
COLLAR, Carl, 16, 21, 28, 48, 101.
CUMMINGS, Francis M., 182.
CUSHING, Grafton D., 198, 204, 230.
DAHL, Ole M., 20, 21, 28, 48.
DAHLBORG, Edward N., 235. . .
DALY, Frank, 121.
DOLAN, Arthur W., 110.
DONOHUE, Frank J., 272.
DOUGLAS, Geo. A., 37, 46, 50, 52, 58.
DOWNES, Frederick O., 64.
DRAPER, Henry J., 271.
ELLSWORTH, Geo. L., 77.
ENMAN, A. J., 25.
EVANS, Wilmot R. Jr., 155, 160, 161, 171, 172, 198,
201, 208.
FAHEY, John H., 101.
FISH, Frederick P., 222, 225, 228.

INDEX OF PERSONS

- FISHER, Edward, 237, 262.
FITZGERALD, John F., 259.
FITZGERALD, Percival, 19, 21.
FLYNN, Richard R., 184.
FOSS, Eugene N., 169, 206, 207, 208, 211, 212, 216, 221,
240, 241, 242, 243, 244, 245, 246, 247, 248, 251, 252,
255, 258, 259, 260, 261, 262, 263, 264, 268, 269.
FROST, George A., 35, 36, 45, 60, 63, 73, 74, 90, 91, 100,
154.
GARDNER, George E., 20.
GARST, Julius, 262.
GIBB, Thomas R. P., 122.
GOLDEN, Harry, 21, 25.
GREENWOOD, Fred P., 176, 180, 182, 186, 235, 255.
GRIFFIN, James F., 235, 236, 255.
HAINES, Benjamin F., 171, 172, 174, 175, 182, 183, 184,
185, 192, 193, 199, 204, 205, 215, 234, 255, 271.
HAMLIN, Hannibal L., 51.
HARLOW, George, 262.
HEALEY, Robert T., 52.
HINES, Miss Mary A., 109.
HUNT, John H., 182, 201.
INNES, Chas. H., 60, 61, 144, 145, 146, 147, 148.
JOYCE, Thomas M., 263.
KILEY, Daniel J., 243.
LAWLER, Chas. S., 235.

INDEX OF PERSONS

LOMASNEY, Martin M., 193, 194, 195, 196.

LOWELL, A. Lawrence, 173, 175, 176, 177.

MacFARLAND, Grenville S., 241.

MACK, John H., 237.

MacLEAN, Arthur W., 63, 64, 66, 155.

MANNING, Benjamin W., 21, 25.

MANSFIELD, Frederick W., 272.

MARDEN, Oscar A., 82.

McCARTHY, Charles F., 262.

McELANEY, James A., 182.

McGRATH, Edward E., 255.

McMENNIMEN, Walter L., 253, 254.

MEINS, Walter R., 186, 193, 205, 231.

MORRILL, Charles H., 182, 183, 186.

MORRISON, Andrew H., 51.

MORSE, Edward T., 171, 182.

MOSTOWITZ, Israel, 50, 51.

MOULTON, Forrest B., 51.

MURPHY, John J., 235, 255.

NASON, Arthur L., 181, 182, 199, 201, 203.

O'BRIEN, James F., 50.

O'CONNELL, Charles R., 193.

O'CONNELL, Joseph F., 162, 172, 198, 199, 210, 241.

INDEX OF PERSONS

- PARKER, Herbert, 179.
PARKS, Joseph A., 168, 169, 171, 181, 183, 184, 185,
186, 192, 195.
QUIGLEY, Francis X., 262.
QUINN, Hugh A., 12, 21, 25, 76.
RILEY, Thomas P., 208.
ROBINSON, Sumner, 155.
SHEPARD, Harvey N., 110.
SIMPSON, F. L., 110.
SMITH, J. J., 25, 48.
SNEDDEN, David, 153, 173, 210, 211, 221, 222, 271.
SNYDER, Miss Elizabeth G., 26, 38, 50.
SNYDER, H. Rossiter, 109.
SNYDER, Rev. Henry S., 26.
SPEARE, Frank Palmer, 177, 187, 200, 201, 227.
STEARNS, Harry N., 202, 203, 216, 221, 236, 262.
STINCHFIELD, John F., 126.
TALTY, Thomas L., 21, 25, 51.
THOMPSON, William G., 210, 218, 219.
TURNER, Robert N., 167.
VAHEY, James H., 162, 163, 172, 174, 180, 189, 198,
199, 210.
WALL, George J., 272, 273.
WALSH, David I., 239, 270, 272.
WALZ, William E., 141.
WASHBURN, Robert M., 192, 193.
WOOD, Judson I., 182.
WYMAN, Henry A., 218.
YORK, A. Chesley, 77.

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